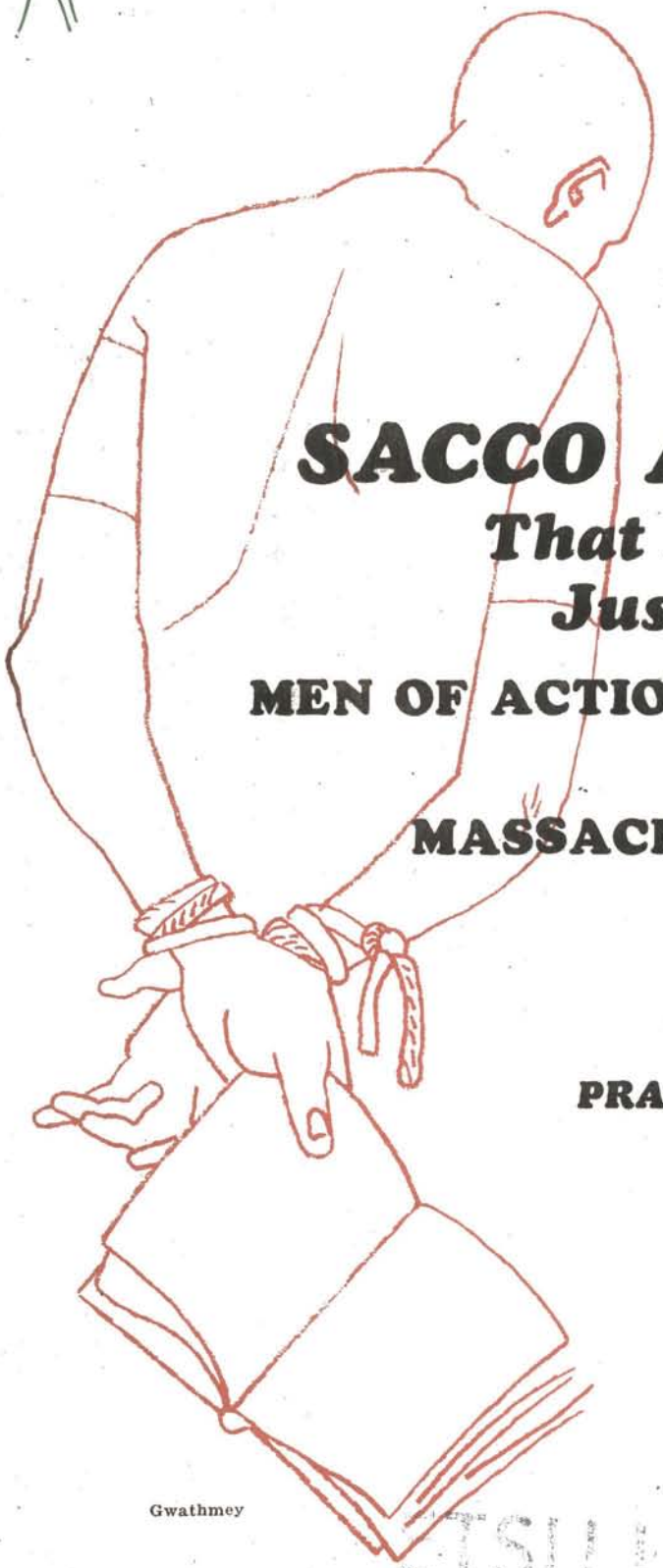
ON SERVING POWER: SCHLESINGER vs. RADOSH

THE NATION

AUGUST 20-27, 1977 · *60 cents*



Gwathmey

SACCO AND VANZETTI

That Black Day in August, Just Half a Century Ago

MEN OF ACTION BEHIND THE SYMBOLS

Eric Foner

MASSACHUSETTS PAYS ITS DEBT

Carey McWilliams

PRAISE FOR THOMAS BERGER

FREDERICK TURNER
BROOKS LANDON

AUG 15 1977

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LETTERS

the open Pentagon

Washington, D.C.

Your editorial of July 9-16, "The People Killer," uses the Pincus articles in *The Washington Post* on the "neutron bomb" as a basis for an attack on the American military and U.S. Government. Your pejorative interpretations of Pincus have gone far beyond the *Post*'s imbalanced "news" coverage. Your unwarranted statements say the following:

"As might have been expected, it was done behind everyone's back. . . ."

The *Post*'s story "sheds a quite awful light on the casual and uncontrollable way in which matters of life and death are handled by our government."

"This tale of the 'enhanced radiation warhead' offers a rare glimpse into the military mind in its most modern convolution."

The *Post* stated that the Pentagon had "hidden" the funds in the ERDA budget. You had it "buried" in a "public works" budget. I won't reiterate here the facts, previously furnished to *The Washington Post,* as to the law requiring ERDA to fund nuclear weapons development and production. . . .

You might afford your readers the information in my letter [to the *Post*] on prior public disclosures of the weapons program and the requirements of law on classification of weapon design information. This should allow some public judgment about your closing alarum:

"The most alarming aspect of the neutron matter is the offhand way in which the government of the United States has handled it. By accident we learn of it. It could have been deployed to hundreds of artillery pieces on the NATO front without anyone (but the Russian spies) being the wiser. The nuclear dice are cast in the darkness. It is appalling that this should be so."

This is absolute nonsense. You should apologize to the American military who serve their civilian superiors in these nuclear matters. The military are attempting to provide a defense for this country and those of our allies under the North Atlantic Treaty Organization. None of their actions nor the government's were uncontrollable nor taken behind anyone's back.

D.R. Cotter
Assistant to the Secretary of Defense (Atomic Energy)

(See editorial, "Of Bureaucrats and Bombs," page 131, this issue.)

Pentagon slickers

San Antonio, Texas

I thought we Texans were the slick ones with our "painless injection" in lieu of the electric chair, but your editorial on the neutron bomb suggests that the Pentagon is the slickest of all. Are the high-minded science graduates who worked on that bomb proud of themselves? Since the bomb kills only people and does not destroy property, why not call it the banker's bomb?

Maury Maverick Jr.

disarming the world

Quogue, N.Y.

President Carter's devotion to disarmament should encourage working for a worldwide treaty on comprehensive disarmament, toward which we were steadily progressing prior to the assassination of President Kennedy. It is not too soon to commence gentle persuasion of our conservative friends to support the special session of the United Nations on disarmament, which is scheduled for next May.

Richard Post

EDITORIALS

The Purging of the ACLU

Cold-war liberalism in its most depressing form has come back to haunt the American Civil Liberties Union. It should be said at the outset that the present ACLU has purged itself of all that and bears no resemblance to the organization that, in the 1940s and 1950s, fawned on the FBI and its ominously ridiculous Director, J. Edgar Hoover.

Still, the 10,000 pages of files from the FBI which the ACLU itself extracted from the bureau under the Freedom of Information Act are a disheartening reminder of a very bad period in American life and of the behavior of some champions of civil liberties who should have known better. They tell a tale of pragmatic compromise with a threatening reality which the ACLU should have fought with all its might instead of trying to placate. The excuse, as usual, was that this was the price that had to be paid if the ACLU was to be able to do the main part of its job in a politically hostile climate.

The price for this compromise with principle was then the ACLU's integrity and now, retrospectively, its reputation. It is quite sickening to read that the organization at that time "cleared" possible officers and staff with the FBI, to make sure they were not Communists or sympathizers, and that a general counsel, Morris Ernst, called Hoover "a treasured friend" at a closed session of a Senate subcommittee.

There is no way to let the ACLU leadership of those days off the hook. It was the organization's policy to exclude Communists from prominent positions, and what better way to do that than to go right to the Red-hunting font at FBI headquarters and ask that "names" be "cleared"? It is astonishing to think that an outfit inspired by the Bill of Rights, and dedicated to the preservation of all our liberties, behaved in that sinister way. But those were the days when even some people of principle bent before the chill winds of repression.

Those days seem to be gone now, and we can hope that they are gone for good. In an important symbolic act last year the ACLU even restored to its rolls the late Elizabeth Gurley Flynn, a Communist who had been a member of the ACLU's board and was removed from it in an historic fight in 1940 when the union decided to go that way. Nearly a decade ago all ideological restrictions on membership were removed.

The purge, in the positive sense, of the dark past of the ACLU has been complete. Since then, under new leadership, it has been conspicuously aggressive in the defense of basic liberties. Its record in the civil rights struggle, in the anti-war movement and against the dangerous repressions of the Nixon era has been impeccable. It has been uncompromising and very effective in its defense of political dissent of every kind. Its suits against the FBI and the CIA to block surveillance, harassment and infiltration have been outstanding.

The American Civil Liberties Union is at its most vigilant these days. It recently issued a balanced but critical analysis of the Carter administration and civil liberties

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which raised all the right questions and made the necessary challenges. The dismal story of the ACLU and the FBI must be studied for the lessons it offers for the future of any organization whose mission is to protect the rights of a free people. But the ACLU is now back in its proper role as skeptical critic of the actions of powerful government, and as a fighter for the liberties of all Americans.

Of Bureaucrats and Bombs

D.R. Cotter, assistant to the Secretary of Defense (Atomic Energy), is outraged at *The Nation* for an editorial in our July 9-16 issue that attacked the way "The People Killer," the neutron bomb, was sprung on all of us, including Presidents Ford and Carter. In a letter in this issue, this Pentagon functionary writes that we "should apologize to the American military who serve their civilian superiors in these nuclear matters."

No apology will be offered, for none is due. And we presume to suggest to Defense Secretary Brown that he have his personnel people review the security file of an excitable subordinate given to writing intemperate letters to the press when he is not tinkering with nuclear weaponry. The combination is not reassuring.

We of course knew that a civilian agency (ERDA now, as successor to the AEC) is charged by law with the making of nuclear weapons—Harry Truman did not trust the military with these lethal toys. But Cotter offers no justification (because there is none) for the clandestine way in which this tactical "enhanced-radiation" killer of a weapon got to the very verge of production without a serious review (even in secret) of its implications for war and peace at the highest levels of either the Executive or of Congress.

No doubt there were descriptive papers floating around somewhere in the military bureaucracy, but this frightful new member of the weapons "family" somehow never got called to the notice of the most responsible officials. And that is an amazing and frightening fact. What it suggests is a runaway technology of fearful import that is dealt with in an offhand way by middle-level bureaucrats like Cotter. Awful and awesome things are in the saddle and ride mankind still.

A Very Modest Proposal

Almost any change would have been an improvement in the present national welfare "system." Is that all that can be said about the elaborate program the President has just sent to Congress? Not quite. But those of us who have viewed this country's ways of taking care of the variously disadvantaged as a set of cold, puritanical, inefficient arrangements have as yet little reason to throw our caps in the air.

There are some pluses to the Carter proposal. First, Carter, having pledged that it would not cost any more money, went back on his word (again) and upped the ante by a couple of billions of federal funds. The second is that the plan contains an acceptance of the principle, however disguised, of the guaranteed annual income. Still another plus is that it tends to recognize, in its compli-

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cated sub-clauses, that the jobless poverty that requires the state's help to individuals is a national rather than a local problem, systemic and not idiosyncratic.

The proposed "reform," however, can hardly be called bold or striking. Its bureaucratic language is imbued with the notions of the work ethic, implying that those who cannot find employment in this industrial society are somehow lacking in the true American spirit. It is evidently impossible for our leaders to admit that there are millions of victims of the organization, or disorganization, of this country's economic system. Typically, this chilly attitude shows up in the provisions requiring welfare mothers of young children (will it be over age 6 or over age 13?) to accept jobs the state will offer them. Common sense, not to say common humanity, would dictate that this should be buttressed by an extensive day-care system, which is not even written between the lines.

The whole official attitude toward welfare is based on a myth wrapped in prejudice and, not surprisingly, that approach is based on popular attitudes. This was clearly shown in a recent opinion poll by *The New York Times* and *CBS News* which revealed that the public has a strong resistance to the idea of "welfare" but strongly supports its purposes and results. Take off the pejorative labels and 81 percent favor "helping poor people to buy food for their families at lower prices" (i.e., food stamps) and 82 percent are for using tax dollars to "pay for health care for poor people" (i.e., Medicaid). With the familiar labels on, the public's reactions would be starkly different.

The Carter proposal now goes into the hopper, or grinder, of Congress, which is generous mainly to defense contractors and other assorted special interests. There it is certain to be chopped up to the sound of extravagant breast-beating about ancient American virtues. The inexplicable three-plus years of delay in the Carter plan's implementation is apt to be prolonged. But something, at last, is in the works, so we can offer about a cheer and a half for Carter on welfare.

CARTER AND BLACK AMERICANS

PAUL DELANEY

The grinning, blue-eyed figure was escorted to the pulpit to the accompaniment of stamping feet and clapping hands, a tumultuous welcome. The grin became broader as the enthusiasm heightened, approaching ecstasy. And when he spoke he evoked a chorus of "Amen" and "Preach, brother," of the kind only black parishioners can utter.

It was a soulful session. Jimmy Carter was serenaded and almost idolized by his black hosts. He in turn identified himself with the hymn-singing, emotional congregation—most, like him, with rural, Southern, Christian roots.

But that was before he became President. His successful Chicago appearance that made TV news propelled him ahead in the eyes of blacks. He went on to capture more than 90 percent of the black vote last November.

This year has been another story. It was dues-collecting time for blacks. But Jimmy Carter was not paying up, not keeping the promises made at Monument of Faith and other forums in the black community throughout the campaign. And blacks, or at least their leaders, were seething.

The public rumbling began in St. Louis in June at the sixty-eighth annual convention of the National Association for the Advancement of Colored People. The Sunday before the meeting opened, Roy Wilkins, the aging executive director attending his final convention, was apologetic about the President. Clarence Mitchell, head of the NAACP Washington office, was a bit more critical, but guarded. The next day, Margaret Bush Wilson, chairman of the board of directors, intentionally pulled punches at a news conference. But that night, in her keynote address, she delivered the first public criticism of Carter by a national black leader.

Then, in Washington last month, Vernon E. Jordan Jr., executive director of the National Urban League, was under pressure at least to match the salvo from NAACP officials. Many of his friends and followers had waited patiently for him to do so. With the NAACP in limbo because of internal strife and an interim leadership vacuum, and with Jesse Jackson into his controversial crusade to get blacks to cleanse themselves through a "push for excellence" in high schools, the burden fell to Jordan to carry the weight of the civil rights struggle. However, Jordan and other black leaders were compromised by Carter. Some of them, along with some of their friends and aides, were under consideration for posts in the administration; criticism of the President would hardly have helped any of their causes. Jordan was in a special predicament: Eleanor Holmes Norton, a close friend, and Ron Brown, director of the League's Washington bureau, were vying for the position of chairman of the Equal Employment Opportunity Commission, and Jordan was right in the middle of that struggle.

Hence, by the time of the convention, the pressure on him was tremendous. He lived up to expectations. In interviews before the meeting opened, he strongly criticized Carter for failing to live up to the promises of his campaign. The President should have seen the dissatisfaction building among blacks—or his aides should have. Maybe they did. There was grumbling, but patience, as they saw the President soften many of his positions that sounded unequivocal last year: he said the country would have to live with an unemployment rate of 5 percent, which blacks knew meant double and triple that for them; they were disturbed when he placed balancing the budget as his highest priority, which meant social programs would be sacrificed. The resentment continued to smolder when he came up with empty and inadequate welfare

Paul Delaney is an assistant national editor of The New York Times.

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reform proposals, his "that's the breaks" position on government-paid abortions for the poor, his silence on the reverse discrimination Bakke case, his lack of an adequate housing program, and his attitude toward the problems of the cities, especially his apparent misunderstanding of the looting that followed the blackout in New York.

He should have anticipated the round of criticism. But when it came, his reaction to it was certainly not expected. For a man who had identified so closely with blacks, a born-again Christian who convinced the masses of blacks that he was a compassionate leader, sensitive to their needs, Jimmy Carter's reaction to the attack by Jordan showed him to be no different from any other white liberal (or conservative).

He sounded like the Southern white liberals of the 1960s who urged blacks to be patient. Only, in 1977, it comes off much worse than it did then. He sounded, as one black put it, like a born-again racist. His black defenders were reminiscent of the black supporters of Nixon and Ford. In a column in *The New York Times*, Tom Wicker wrote:

"It sounds suspiciously like 'be quiet—I know what's best for you.' Or maybe 'don't call me, I'll call you.' "

When he was being sold to blacks by Andrew Young, Coleman Young, Ben Brown and others, the point was made that Carter was much more comfortable with blacks, more in tune with their real problems than liberals like Fred Harris, Sargent Shriver and Morris Udall. Some blacks now say "bring back those liberals."

Carter will recover and regroup. After all, he knows too well that blacks, despite threats by the Congressional Black Caucus, have no place else to go. Nevertheless, his miscalculations (or were they?) and misunderstanding of the severe problems of big-city blacks should have a sobering effect on all blacks. Maybe he'll begin to pay some dues. It would be too ironic if the man who was given a landslide by black voters in 1976 should in 1980 become the candidate of white America. □

MASSACHUSETTS PAYS ITS DEBT

CAREY McWILLIAMS

In an impressive ceremony in the Massachusetts Senate Chamber on July 19, Gov. Michael Dukakis announced the issuance of a proclamation which removes any stigma or disgrace that may have attached to the names of Nicola Sacco and Bartolomeo Vanzetti because of their conviction of a crime they did not commit: the robbery and murders at South Braintree on April 15, 1920. The proclamation was based on a study by Daniel A. Taylor, the Governor's legal counsel, who concluded that "the very real possibility" existed "that a grievous miscarriage of justice occurred with their deaths." As the Governor observed, the seven-year trial and appeals process had been "permeated by prejudice against foreigners and hostility toward unorthodox political views"—views accurately and astutely summarized in Eric Foner's essay in this issue. The proclamation comes close to being a posthumous pardon, which the Governor feels neither Sacco nor Vanzetti would have wanted: "They maintained their innocence to the end. They asked not mercy or forgiveness but for justice." Now, after all these years, they have received a measure of official vindication, thanks to the wise and courageous action of Governor Dukakis.

The proclamation will mark the fiftieth anniversary of the executions on August 23, 1927. Long overdue, the proclamation still might not have come but for the fifty-year effort to secure vindication for Sacco and Vanzetti and for the changes in the political climate of recent years. In fact, the Governor's action tells us something quite important not merely about the relation between "political atmospheres" and the judicial process but the way political legends—and the Sacco and Vanzetti case is certainly one of the greatest—evolve out of an intricate and protracted process of debate, contention, struggle and conflict, usually laden with political overtones.

In the period between their arrest and the executions, interest in the Sacco and Vanzetti case steadily mounted in the manner described by Eric Foner. Even after the executions it continued to grow, for a time. But the 1929 stock market crash, Manchuria, Ethiopia, Hitler's seizure of power, the Spanish Civil War, Munich and, ultimately, World War II, seemed to have relegated Sacco and Vanzetti to the category of "other victims," not martyrs. Not that interest ever died. The case was always there, a shadow on the past, a dark stain, a deep dishonor; but a footnote, not yet a legend. Oddly enough the political Right helped revive interest in the case. In the 1950s, as part of the spreading conservative cold-war consensus, an attempt was made to retry and reconvict Sacco and Vanzetti as a means, so to speak, of sealing the verdict and preventing the institution of the legend. Otherwise, it was feared, their ghosts might continue to haunt the banquet. The reconviction process began in 1960 with publication of *Sacco-Vanzetti: The Murder and the Myth* by Robert H. Montgomery, who found both men guilty as charged. An elated William F. Buckley Jr. accepted Montgomery's findings without a quibble. A bit later, Francis Russell, in *Tragedy in Dedham: The Story of the Sacco-Vanzetti Case*, reached the seemingly strange conclusion that Sacco was guilty but Vanzetti was not. In an article in *Commentary* (January 1962) James Grossman came to the same conclusion. The "political" reason for the preference shown Vanzetti is clarified by Foner's analysis of the respective political views of the two men. Vanzetti was less "tough" than Sacco, more philosophical, more of an intellectual; hence it was easier to give him the benefit of the doubt. Politically, the meaning of the new split verdict was that

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Vanzetti should be acquitted the better to convict Sacco or, stated another way, the better to preserve the myth that these were but two of the men who had staged the South Braintree robbery. By convicting one and acquitting the other, the integrity of the judicial pocess could be maintained and, at the same time, the growing legend of their innocence could be scotched. That was the consensus view well into the 1960s—witness the fact that the networks refused in the middle 1950s to present *The Male Animal* because one of the characters in the film reads a Vanzetti letter (see *The Nation*, December 1, 1956).

From the time of their arrests, *The Nation* consistently maintained that both Sacco and Vanzetti were innocent. The wonderful cartoons of Art Young, Boardman Robinson and H.W. Van Loon that it ran in the 1920s have remained very much a part of the legend. A good-sized anthology of *Nation* articles, editorials, poems and reviews about the case could be compiled. In the fatuous 1950s, when Americans were agog with interest in "affluence," suburbs, highways, electrical appliances, supermarkets, nylon hose, quiz shows, cold-war capers and related oddities, *The Nation* made a special effort to keep interest in the case alive. In the late 1950s, for example, I thought it might be a good idea to remind, not *Nation* readers who didn't need reminding, but the new generation who did, just who Sacco and Vanzetti were and why they should be remembered. In two fine essays, August 16, 1958 and December 27, 1958 (the latter a special year's-end issue), Dr. Ralph Colp Jr., tapping a wealth of materials that had accumulated, conducted a "biographical inquiry" much in the spirit of Eric Foner's analysis of the political views of the two men. And later Fred J. Cook, in a long piece in *The Nation* of December 22, 1962, exposed the shabby and shameful campaign then being conducted by "neo-conservative" intellectuals to reconvict both men—thirty-five years after their execution.

Meanwhile, new political forces were beginning to stir, or perhaps I should say were beginning to be stirred, as by Reginald Rose's fine NBC two-part television production, *The Sacco-Vanzetti Story*, which was reviewed for *The Nation* (June 25, 1960) by Norman Thomas di Giovanni, a young Boston Italian-American intellectual with an intimate knowledge of the background. He pointed out that the TV columnist for the *Boston Herald* had urged Rose to look at the back files of the paper to find the facts. Apparently the columnist had not known, or had forgotten, that the *Herald*, in a Pulitzer Prize-winning editorial of October 26, 1926, had confessed that "as months have merged into years" its doubts had "solidified into convictions" so strong that it felt compelled to reverse its original position to urge a new trial. In his review, di Giovanni also noted that reproductions of Ben Shahn's twenty-five paintings, the "Passion of Sacco and Vanzetti," were being published for the first time, that Marc Blitzstein had composed an opera based on the case, and that still more books were on the way. So the battle for history's verdict had been joined once again. One of the best of these later books was Herbert B. Ehrmann's *The Case That Will Not Die* which Fred J. Cook reviewed for *The Nation* (May 12, 1969). Ehrmann had served along with William G. Thompson as the last counsel for the defense. His book included some new and extremely pertinent materials which did much to remove lingering doubts and uncertainties. Mrs. Ehrmann, his wife, had been moved to organize the Massachusetts Council for the Abolition of the Death Penalty, because of her views about the case. A truly remarkable woman, Mrs. Ehrmann worked closely with *The Nation* for years in its campaign against capital punishment.

As might be expected, Boston was the center of the revived drive to win vindication for Sacco and Vanzetti. Italian-Americans—Aldino Felicani to name one—played key roles. But there were many unsung heroes, including at least one Irish-American, Thomas O'Connor, the Boston newsman (see *The Nation*, September 22, 1926), who served as secretary of the Committee to Secure Vindication for Sacco and Vanzetti. O'Connor was of major assistance to Fred Cook in ferreting out the story of the "missing fingerprints." A group of Boston residents were responsible for a hearing conducted by fifteen members of the Joint Legislative Committee of the Judiciary in the Massachusetts State House on April 2, 1959, which was one of the first major post-execution efforts to win vindication. Impressive presentations were made at the hearing which Norman Thomas di Giovanni reported in *The Nation* of April 18, 1959, but the time had not yet come when elected officials were willing to acknowledge error. The report of this hearing, prepared and published by Thomas O'Connor on behalf of the Committee to Secure Vindication, demonstrates that a strong and convincing case was made. But even legislators who were sympathetic felt intimidated by attitudes that still prevailed. As di Giovanni pointed out: "They simply could not accept that men of state or office could be wrong. They exhibited a disturbing, too-healthy respect for the past that bordered upon super-patriotism." In the end the legislative committee slipped off the hook by deciding that it was not proper "to influence the Governor in the exercise of his executive powers." Not one dissent was filed. Nevertheless, the hearing added momentum to the effort to secure vindication. Also new evidence kept being discovered. For example, the indefatigable Fred Cook first spotted a reference in *My Life in the Mafia* as related by Vincent Teresa to Thomas C. Renner, *Newsday*'s expert crime reporter, in which Teresa was quoted as saying that Frank Morelli, the one-time Mafia boss of Rhode Island, had confessed to him that the Morelli mob had been responsible for the Braintree holdup and murders (see *The Nation*, April 23, 1973). In the context of Herbert B. Ehrmann's findings, this statement was of more than passing interest; it would have passed unnoticed but for Cook's vigilance.

In effect, then, one might say that fifty years of activity by partisans of Sacco and Vanzetti helped create a climate of political opinion in which Governor Dukakis could issue his proclamation: fifty long years, half a century, but worth it. For it now seems unlikely that there will be still another campaign, by "neo-conservative" intellectuals or others, to convict the innocent.

Tom Mooney and Warren Billings, two labor organizers —nowadays one has to explain who they were—served twenty years in prison for a crime (the bombing of a

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Preparedness Day parade in San Francisco in 1916) they no more committed than did Sacco and Vanzetti commit the payroll robbery. I was present in the State Assembly in Sacramento on January 7, 1939, when the newly elected Gov. Culbert L. Olson presented Mooney with a pardon. In the twenty years he had served in prison, Mooney had become an internationally famous figure; journalists and writers, novelists, poets and playwrights, from all over the world trekked to San Quentin to interview him and were impressed by the man they met. But once released, Mooney's "image" quickly faded; he was not nearly as impressive out of prison as he had been when he was still actually or nominally behind bars. So the Mooney case never became a legend: it lacked, somehow, the deeply moving and impressive qualities of the Sacco and Vanzetti story just as Mooney, for all his courage, lacked some of the fine human qualities they possessed. Innocence itself does not a legend make; other qualities, other values are needed.

On August 23, 1927, I had lunch in Long Beach, Calif., with Upton Sinclair. His book *Oil* had just been published and I was supposed to be interviewing him about it. But we spent the entire afternoon talking about the executions in Boston. I well remember Sinclair's vivid insistence—his total confidence—that the judgment of history would be that Sacco and Vanzetti were innocent. To reverse a miscarriage of justice in which the majority has a deep vested political interest takes time, effort, faith, stamina, courage and strong convictions. Often vindication comes too late to help the victims, but it is never too late to make public acknowledgment, as Governor Dukakis has done, of an act of injustice. It is by these belated—largely symbolic—actions that democratic societies become a little less bigoted, cruel and repressive. □

THE MEN AND THE SYMBOLS

SACCO AND VANZETTI

ERIC FONER

My conviction is that I have suffered for things that I am guilty of. I am suffering because I am a radical and indeed I am a radical; I have suffered because I was an Italian, and indeed I am an Italian.
—Bartolomeo Vanzetti, 1927

It is fifty years this month since two immigrant Italians, Nicola Sacco and Bartolomeo Vanzetti, died in the electric chair in Massachusetts. Yet "the case that will not die" still arouses emotional controversy and remains a pivotal event in the history of American justice. It will continue to do so, not only because of the character of the two men but because, as Edmund Wilson wrote at the time, the case "revealed the whole anatomy of American life, with all its classes, professions and points of view and all their relations, and it raised almost every fundamental question of our political and social system."

In origin, Sacco and Vanzetti were no different from the millions of other immigrants who entered the United States early in this century. Sacco was born in the village of Torremaggiore in southeastern Italy, one of seventeen children in a relatively prosperous peasant family. Emigrating to this country in 1908 at the age of 17, he learned to edge-trim shoes and worked in a shoe factory in Milford, Mass. The common picture of Sacco as a "good shoemaker," suggesting the familiar Italian-American cobbler, is misleading; he was a skilled factory workman who commanded high wages. By the time of his arrest in 1920 he was married, owned a house and had accumulated $1,500 in savings.

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In contrast to Sacco the settled family man, Vanzetti was an itinerant, unskilled laborer, one of the innumerable "tramps" and migrants of the period who could not or would not adjust to the discipline of the new industrial order. Born in northwestern Italy in 1888, he had spent seven years in school and later took great pride in recalling his excellent record. Arriving in America in 1908, he was first a dishwasher in New York City restaurants, then roamed New England, working variously in a stone quarry, a brick furnace, digging ditches and finally as a fish peddler.

Neither man had come to America as a radical, but both were attracted to anarchism here. Sacco and his wife on occasion performed in street theatre to raise funds for the anarchists, and both men were involved in strikes and war resistance. Sacco collected bread for the Lawrence strikers in 1912 and assisted strikes of Massachusetts foundry and shoe workers; Vanzetti was blacklisted for his part in a strike at a Plymouth cordage factory in 1916.

When the two men met is not known. However, in 1917 Sacco, Vanzetti and other New England anarchists fled to Mexico for a year to avoid the draft and possible deportation for anti-war activities. The more intellectual of the two, Vanzetti during his years in America read books ranging from Dante to Marx, Tolstoy and Kropotkin. Both lived among Italians, neither spoke English well and both planned to return to Italy. It was their arrest that made them fully a part of American life.

I

The crime with which Sacco and Vanzetti were charged and the conduct of their trial have been recounted many times, but it is probably well to summarize them briefly. On April 15, 1920, a shoe com-

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Vanzetti *Sacco*

Ben Shahn, from *The Nation*, August 23, 1952

pany in South Braintree, Mass. was the scene of a robbery and murder. As a paymaster and guard carried the $16,000 payroll to the factory, two men who had been waiting nearby shot and killed them, and were then picked up by a car carrying three other men. Sacco and Vanzetti were arrested three weeks later while accompanying Mike Boda, an anarchist friend suspected of involvement in the crime, to pick up his car from a repair shop.

At their trial, a major issue was made of the fact that Sacco and Vanzetti were armed at the time of their arrest and lied under initial questioning, denying knowing Boda or being anarchists. This behavior, according to the prosecution, revealed a "consciousness of guilt." Since at the time they had not been told of the charges against them, it seems plausible to assume that the guilt of which they were conscious was radicalism, not robbery. They lied to protect their friends and associates, as well as to avoid possible deportation.

The arrests coincided with the period of the most intense political repression in American history. During World War I the Espionage and Sedition Acts had made illegal virtually any utterance against the war. With the war's end, the foreign-born radical replaced the savage Hun as the symbol of evil for self-appointed defenders of the American way. The postwar Red scare culminated in the notorious Palmer raids of January 1920, when 4,000 radicals were rounded up and several hundred eventually deported.

Sacco and Vanzetti knew, moreover, that the police were less than scrupulous in their treatment of arrested anarchists. Vanzetti had just been to New York, where he had investigated the two-month detention of the Italian anarchist Andrea Salsedo. After Vanzetti's return to Plymouth, two days before his arrest, Salsedo plunged fifteen stories to his death from the offices where he was being questioned by federal agents.

The trial of Sacco and Vanzetti for the South Braintree crime opened on May 31, 1921. The prosecution sought to place the two at the scene through eyewitnesses and a few pieces of physical evidence; the defense produced eyewitnesses who denied that either man had been there, and others to establish alibis.

The evidence against Vanzetti was absurdly thin. Only one man claimed to have seen him at the scene of the crime, and he identified Vanzetti as the driver of the getaway car, contradicting almost all other witnesses, who described the driver as of fair complexion. The prosecution also claimed, with little supporting evidence, that the .38 revolver Vanzetti was carrying at the time of his arrest belonged to the murdered guard. The defense produced thirteen witnesses, all Italian, to testify that Vanzetti had been selling fish on the day of the crime.

Regarding Sacco there was eyewitness testimony that he had and had not been at the scene. Some prosecution witnesses, in violation of standard police procedure,

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had viewed Sacco individually instead of in a lineup, whereupon their initial recollection of the murderer's physical appearance improved remarkably. Others claimed, implausibly, that Sacco had spoken to them in clear, unaccented, colloquial English.

The key testimony against Sacco was the assertion that the .32 bullet found in the body of the guard had been fired from the revolver Sacco had on him when arrested. Each side produced ballistics experts to affirm or deny the claim. The prosecution expert, Capt. William Proctor of the State Police, testified that the bullet was "consistent with" having been fired from Sacco's gun. He later admitted that the prosecution had carefully coached him in that exact wording after he had said he could not make a positive identification. He added that he did not believe Sacco's gun had fired the shot. In 1961, two experts commissioned by Francis Russell reaffirmed the theory that Sacco had fired the fatal shot, a conclusion that remains in dispute.

To accept the controversial ballistics evidence, one must not only dismiss Sacco's alibi but also ignore all the gaps in the prosecution's case. Sacco claimed to have gone to Boston that day to obtain a passport for return to Italy. The defense produced witnesses from the Italian Consulate, others who had lunched with him in Boston, and a man who recognized Sacco as having sat across from him on the train. More important, perhaps, is the evidence the prosecution did not present. No attempt was made to determine who had fired five of the six bullets found in the bodies of the dead men, to link the defendants with the stolen money, to establish a motive for the crime, or to present fingerprints as evidence, even though newspaper reports indicated fingerprints had been found on the getaway car.

The entire trial, moreover, was conducted in an atmosphere of intense hostility to the defendants. Seasoned newspaper reporters were shocked by the blatant prejudice shown by Judge Webster Thayer, and by prosecutor Frederick Katzmann's sarcastic, bullying cross-examination of the defendants as to their political beliefs. With Sacco, Katzmann raised such questions as whether he loved America, whether America was a free country, why he had avoided the draft, what he thought of Harvard University, and whether he sent his son to public school (he did). Thayer later remarked to a friend. "Did you see what I did with those anarchistic bastards?"

In such an environment, a conviction was a foregone conclusion. For six years defense lawyers filed successive motions for a new trial, pleading new evidence, recantation of prosecution witnesses, the prejudice of the judge, and a confession implicating the Morelli gang of Providence, R.I. in the robbery. But Judge Thayer rejected all motions and in 1926 the Massachusetts Supreme Court upheld his decision.

Finally, in the spring of 1927, Thayer pronounced a sentence of death. By this time, the case had become an international *cause célèbre*. Governor Fuller appointed a three-member advisory commission to consider the fairness of the verdict. Consisting of Samuel Stratton, president of M.I.T.; Robert Grant, a former judge; and, at the head, Abbott Lawrence Lowell, president of Harvard, the commission was an embodiment of Brahmin respectability. As *The New Republic* observed, "the life of an Italian anarchist was as foreign to them as life on Mars." Lowell's presence recalled the turbulent history of the immigrant factory workers in the cities bearing his familial names. For years he had been an official of the Immigration Restriction League; among his contributions to life at Harvard was the establishment of a segregated residence for black students. The commission's findings affirmed the verdict and sentence, and, despite last-minute appeals to the federal courts, Sacco and Vanzetti were executed. "What more can the immigrants from Italy expect?," remarked Heywood Broun. "It is not every prisoner who has a president of Harvard throw on the switch for him."

II

In her account of the August days preceding the execution, Jeanette Marks observed, "already as individuals Nicola Sacco and Bartolomeo Vanzetti were being lost sight of . . . already they had gone from our midst . . . [they had become] symbolic." The sentimental portrait of a humble shoemaker and fish peddler had, even before their deaths, begun to obscure the living persons. Nowhere is this more apparent than in the way writers on the case have treated the anarchism of Sacco and Vanzetti. Perhaps the problem can be stated as follows: everyone recognizes the importance of politics in the case, but most writers refuse to take the politics of the two men seriously. Herbert Ehrmann, one of the defense lawyers, found their political views "absurd and pathetically impracticable." Francis Russell, who believes Sacco was guilty, considers their beliefs "nobly absurd." Roberta Feuerlicht, the latest student of the case, who is convinced both were innocent, speaks of Vanzetti "prattling about the proletariat" and finds anarchism so senseless that she is "skeptical how deep their beliefs ran." In fact, anarchism was central to the lives of both men.

Today, when anarchists represent a minor fringe in most countries, it is perhaps difficult to recall that before World War I the militant Left in Europe and America tended to be anarchist. Within a span of twenty years anarchists assassinated the monarchs of Italy and Austria-Hungary, the Presidents of France and the United States and the Prime Minister of Spain. In this country, ever since the Haymarket affair of 1886, the image of the bomb-carrying anarchist evoked the kind of fear Bolshevism would inspire in a later decade. "For half a century," as John Dos Passos wrote in 1927, "anarchy has been the bogy of American schoolmasters, policemen, old maids and small-town mayors."

The United States has had two distinct anarchist traditions. Native American anarchism, symbolized by Emerson and Thoreau and deriving from the distrust of government so pervasive in the writings of Paine and Jefferson, was a form of extreme individualism. It was often coupled with pacifism or nonviolence and usually coexisted with a commitment to private property as the bulwark of individual freedom. Immigrant anarchism, associated first with Germans, then Italians, was, in contrast, a

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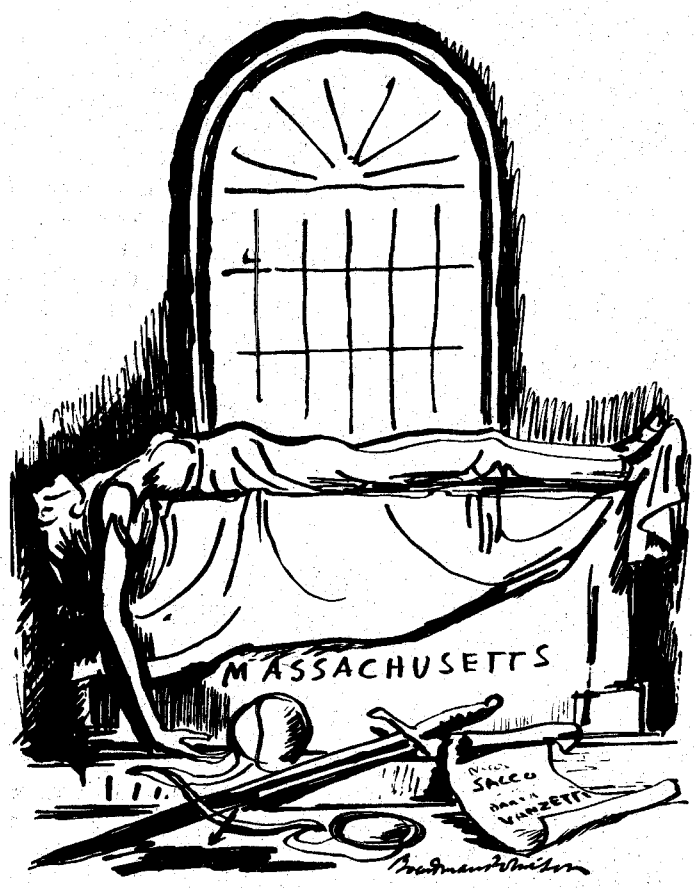

Boardman Robinson, from *The Nation*, September 7, 1927

form of libertarian communism. As Erico Malatesta, the great Italian anarchist, put it, "anarchy without socialism is impossible."

The millennial dream of Italian anarchism was a communal society in which the triad of Old World evils—state, church and private property—had been abolished. More than in any other country, anarchists in Italy exalted the "propaganda of the deed." Terrorism, sabotage and assassination were all considered legitimate ways to stir the masses to revolutionary fervor. "We are revolutionaries," said Malatesta, "because we believe that only the revolution, the violent revolution, can solve the social question."

Although anarchists comprised only a small part of the Italian Left before World War I, through emigration they exerted a powerful influence on the anarchist movement abroad. Among the most important exponents of Italian anarchism in America was Luigi Galleani, the man Vanzetti acknowledged as "our master." A brilliant propagandist and polemicist, Galleani preached a stern brand of anarcho-communism, rejecting any form of political organization and advocating violent revolution and a relentless war against capitalism. In his newspaper, *Cronaca Sovversiva*, Galleani lionized McKinley's assassin Czolgosz as well as Gaetano Bresci, who had returned from Paterson, N.J. to assassinate King Umberto.

During World War I the federal government suppressed Galleani's newspaper when it urged Italians to resist the draft. Galleani himself was deported in May 1919, but not before he had called on his followers for violent revenge. Soon afterward bombs exploded in eight cities, and an Italian was killed trying to place a bomb at Attorney General Palmer's Washington home.

The little-studied Italian anarchist movement forms the backdrop for an understanding of Sacco and Vanzetti, who seem to have been members of one of the loosely organized groups of followers of Galleani that existed in Boston, New York, Paterson and other cities in those years. This does not prove, as Francis Russell claims, that Sacco "felt justified in committing even acts of robbery and murder for his cause." Most anarchists made a clear distinction between ordinary crime and acts of political violence; as Vanzetti later said, most of his political activity consisted of "talking on street corners to scorning men." But the point to remember is that, though Sacco and Vanzetti may never have committed violence, as followers of Galleani they were hardly the innocuous dreamers so often pictured in the literature on the case.

Most of what we know of the beliefs of the two men derives from their famous prison letters. Both were taught to read and write English in prison by wealthy New England women who had interested themselves in the case, and Vanzetti, in particular, became a highly articulate writer in English whose letters still evoke an emotional response. (The same is true of his Italian letters to his family, only portions of which have been translated.)

Sacco emerges from his prison letters as a man of sensitivity who was distraught over the prolonged separation from his wife and children and the inability to practice his craft. Yet the letters also reveal a social outlook underpinned by an unbending class consciousness and a view of himself and Vanzetti as "the good soldiers of the revolution."

Sacco's reputation for creative thought has suffered by comparison with Vanzetti's. But he was well acquainted with the anarchist press, including Galleani's newspaper, and at the time of his arrest had several dozen books in his home. Although he had received no formal schooling in Italy, he was hardly an illiterate. Nonetheless events, not books, turned him toward anarchy. His experiences in the bitter strikes that wracked the ring of industrial towns around Boston affected his political outlook: in his letters there is little about the evils of government but much on the class struggle and the need for revolution. "I know," he told Judge Thayer, "the sentence will be between two classes, the oppressed and the rich class, and there will always be collision between one and the other."

Even in the personal letters expressing his grief at the separation from his family, Sacco moves instinctively from an individual to a collective point of view. He tells his daughter Ines how he wishes he could "see you running, laughing, crying and singing through the verdant fields," but then adds, "the same I have wished for other poor girls . . . the nightmare of the lower classes saddened very badly your father's soul."

Contemporaries and historians have usually found Vanzetti the more attractive figure. While Sacco has

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been portrayed as dogmatic and proletarian, Vanzetti has been idealized as a philosophical dreamer. Even Elizabeth Gurley Flynn, active in the defense from the beginning, described Vanzetti's social outlook as simply "a belief in human freedom and the dignity of man. . . . He would have been at home with Emerson, Henry D. Thoreau or Walt Whitman." Admirers dubbed Vanzetti a "philosophic anarchist," a phrase which Dos Passos translates as "an anarchist who shaves daily, has good manners and is guaranteed not to act on his beliefs."

"Philosophic anarchist" fails, however, to convey the depth of Vanzetti's anarchist convictions or the vision he shared with Sacco of being men of action within an ongoing radical movement. He had read extraordinarily widely and since 1914 had boarded in the Plymouth home of Vincenzo Brini, a stopping place for such anarchists as Galleani and Carlo Tresca. In prison, Vanzetti spent much of his time writing articles for *L'Asunata dei Reffratari,* a New York anarchist newspaper established by Galleani's followers in 1922. One series was entitled "In Defense of the Revolution," another was a critique of syndicalism, yet another evaluated Soviet society from an anarchist point of view. He also translated anarchist literature into English. In other words, Vanzetti continued to take part in the ongoing debate about revolutionary tactics and politics within the anarchist movement. His political views did not differ significantly from those of other Italian anarchists.

Vanzetti has sometimes been portrayed as an American-style individualist. "The now-obsolete term anarchist-Communist would never have applied to Vanzetti," writes Russell. Joughin and Morgan, authors of one of the most extensive studies of the case *(Legacy of Sacco and Vanzetti)* declare that Vanzetti "rejects collectivism." Vanzetti, in fact, referred to himself precisely as an "anarchist-Communist." "We are Socialists," he wrote of himself and Sacco in 1927. "The difference—the fundamental one—between us and all the other is that they are authoritarian while we are libertarian." Like Sacco, Vanzetti had an acute awareness of class distinctions. He wrote a criticism of the Beards' *Rise of American Civilization* remarkable in prefiguring more recent historical perceptions: "Nothing I found in it . . . of the instinctive and intuitive aspirations of the poor, of the hardly articulated but incommensurable souls of the humbles—except if I believe that they are like the master. . . ."

Vanzetti, then, was more than a simple "humanitarian" and hardly an individualist. It is true, however, that his anarchism did seem to undergo a process of Americanization in prison. Receiving the works of Emerson and Thoreau as gifts from his benefactors, Vanzetti as time went on began to play down the role of violence in anarchism. When in 1927 he petitioned Governor Fuller, affirming his innocence, Vanzetti could refer to Emerson's essays as a fuller exposition of his views.

A follower of Emerson was easier to defend in the Massachusetts of 1927 than a disciple of Galleani. But the partial Americanization of Vanzetti's anarchism was symptomatic of a larger ambivalence that affected his self-perception as the years went by. Sacco always held himself at a certain distance from their wealthy supporters or "philanthropists," as he called them. He told Gardner Jackson, "although knowing that we are one heart, unfortunately, we represent two opposite classes."

Vanzetti, by contrast, thrived on the attentions of the upper-class women who showered him with letters and gifts. One psychologist has suggested that the defense committee women played the role of Vanzetti's "American mothers." His own mother had died when he was 20 and his grief was inordinate. Vanzetti is not known to have shown an interest in women in America. "Oh friend," he wrote in 1923, "the anarchism is as beauty as a woman for me. . . ."

Whatever the dynamics of his relationship to the defense committee women, Vanzetti was dazzled by his prolonged exposure to the upper class. He was even flattered by Mrs. Elizabeth Evans's offer to hire him as a gardener upon his release from prison. More importantly, he imbibed their unflagging belief that justice would eventually prevail. Sacco never shared this optimism and after the sentencing withdrew entirely from the appeals effort. Vanzetti was caught up in the role of philosopher-in-the-rough; Sacco refused to play the part marked out for him. Perhaps he instinctively understood that by transforming them into symbols, the larger audience was losing sight of both their individuality and their convictions.

III

In her new memoir on the case (*The Never-Ending Wrong*, Atlantic/Little, Brown) Katherine Anne Porter recalls the August days in Boston when writers and intellectuals took part in the campaign to save Sacco and Vanzetti from the electric chair. Inadvertently, she gives the impression that intellectuals were the only ones who did so.

There is no question that, by the time of the executions, an impressive array of American writers had lent their services to the defense. Aside from Miss Porter, one thinks of John Dos Passos, H. L. Mencken, Heywood Broun, Edna St. Vincent Millay and Dorothy Parker, as well as others less directly involved, including John Dewey and Jane Addams. Such writers and thinkers discovered in the case a personal and political cause that transcended the alienation of the 1920s, when some writers expatriated themselves to Europe and many others retreated into a domestic exile.

The presence of the intellectuals in Boston helped attract world attention to the final act of the drama and was a significant episode in the history of the intellectual community. In point of fact, however, Mencken and Dos Passos were the only writers of reputation involved in the case before 1927. Dos Passos identified with Sacco and Vanzetti because of his own intellectual affinity for anarchism and because as a Harvard student his name had led to his being treated as "a wop or a guinea or a greaser."

Much of our understanding of the case comes from the writings of intellectuals who, not surprisingly, exaggerated their own importance. Granville Hicks wrote at the time, "the battle was between the intellectuals and everybody else." In terms of publicity, however, the

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labor movement carried the burden. Even before the trial, unions in Boston and the surrounding mill towns had protested the arrests, and by 1927 a dozen state labor federations and the AFL national convention had demanded a new trial. Locals of the United Mine Workers and ILGWU were especially active in fund raising and in 1927, here as abroad, the majority of demonstrations were sponsored by labor organizations.

The degree of labor activity was the more remarkable because of the division and retreat of the labor movement in the 1920s. A decade of reaction followed the false dawn of 1919, when Communist revolutions were attempted in Germany and Hungary, general strikes took place in Winnipeg and Belfast, and this country experienced the great steel strike and countless other militant labor disputes. Union membership declined by more than a million in the 1920s. From today's vantage point the decade appears as a watershed in modern American history, a time of declining resistance to the emerging corporate order. New departments of employee psychology sought to mold the working class in the employers' image, while in the press, pulpit and pay packets, in speeches at factory gates by patriots dressed as Uncle Sam, workers were reminded that socialism and trade unions were un-American.

If labor's contribution to the defense has been neglected, the involvement of the Italian-American community and the effect of the execution upon it, have been virtually ignored. From the outset, a tightly knit group of Italian anarchists organized the defense committee, and Italian-Americans provided the money to keep it afloat. Most of the $300,000 that had been raised by the end of 1926 came in small donations from working people, a majority of them Italian, and from such organizations as the Lega Antifascista of Pittsburgh and the Brooklyn Italian-American Democratic Club. The case created a remarkable unity in Italian America; even the pro-Fascist Italian press of New York City supported the two men, much to Vanzetti's discomfiture.

In 1927 Italian labor leaders in New York City sought to organize a nationwide general strike of protest, the respectable Sons of Italy sent a massive petition to Governor Fuller, and 20,000 representatives of labor unions and Italian fraternal organizations marched in Philadelphia on July 4. On the famous days when Katherine Anne Porter was arrested for picketing in Boston (when Miss Porter "did not see anyone identifiably a workingman") the majority of the picketers were foreign-born.

To Dos Passos, Sacco and Vanzetti were "all the immigrants who have built this nation's industries with their sweat and their blood and have gotten for it nothing." To Italian America and, by extension, to the larger immigrant community, they represented all the Italian immigrants victimized by the stereotypes of Italians as knife-wielding criminals who lived by the code of the vendetta. A prominent legal scholar, Dean John Wigmore of Northwestern University Law School, could link the two men with, among other things, "the thugs of India, the Camorra of Naples, the Black Hand of Sicily."

Hovering over the Italian-American community in the 1920s was the cloud of fascism, which had devastating effects on the Italian-American Left. But that community was also under assault from the massive drive to homogenize American culture. The xenophobia of the postwar years was reflected in its most extreme form in the revival of the Ku Klux Klan, but also in the ending of unrestricted immigration. More generally, it could be seen in the involvement of schools, churches, civic organizations and corporations in the Americanization movement. That movement had reached its peak during World War I, when it became the justification for suppressing dissent; but as part of the effort to integrate the immigrant working class into an ordered, homogeneous society it persisted into the 1920s.

To the immigrants, as one Italian-American editor put it, "Americanization is an ugly word." Dos Passos was bitterly, ironically on target when he subtitled his pamphlet on the case "Story of the Americanization of Two Foreignborn Workmen." It was no accident that the Veterans of Foreign Wars chose Americanization Day (April 27, 1927) for a vigorous attack on Sacco and Vanzetti. The two men symbolized the alien threat to provincial, Anglo-Saxon America.

For the Italian-American Left, the execution was one of a series of spiritual blows, beginning with the deportations of 1919-20 and the triumph of Mussolini, from which the movement never really recovered. To the majority of Italian-Americans, it seemed self-evident that the men were persecuted because they were Italian; this was the bond that united Italian immigrants of all political views in their defense. The executions, following a decade of persecution, strengthened the insularity of an already apolitical community, which had brought across the Atlantic an instinctive distrust of law, police and the state.

After all, despite the labor and intellectual allies of the two men, it did seem that the executions reflected the popular will, at least in Massachusetts. "Respectable Boston is possessed with the lust to kill," wrote Mike Gold in his angry piece, "Lynchers in Frockcoats." But if it was a lynching, much of the community was implicated. The defenders of Sacco and Vanzetti were astonished by the vehemence with which the cab drivers, shop clerks and subway guards of Boston—except in the Italian North End—supported the execution of the "damn Reds." How symbolic that James M. Curley, the Irish boss of Boston, denounced Sacco and Vanzetti at the Bunker Hill celebration in 1927. Anglo-Saxon and Irish Boston seemed to have united against the two men, and the isolation of the Italians could not have been more complete.

Miss Porter, in an account which perhaps reflects something of the intellectuals' attitude toward Boston's Italians, recalls a rally in which a "raging crowd" of Italians, "howling like beasts," shouted their "childish phrases." "They'll pay, they'll pay," the crowd cried in Italian. When the bodies lay in state in the North End, one bouquet of flowers bore a ribbon with the motto, "*Aspettando l'ore di vendetta*"—"Awaiting the hour of vengeance." But there was no vengeance, and ten years later, to Italian-Americans like Vito Marcan-

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tonio, their death was "still an open wound in the hearts of many of us." The case politicized some Italian-Americans, like the young lawyer Michael Musmanno, but it drove many more back into the privacy of their family and community. Francis Russell, who hounded Sacco's son Dante for some statement of his father's innocence, interpreted Dante's silence as a tacit admission of guilt. But perhaps it reflected not only a desire to avoid publicity but a distrust of all outsiders which the case had accentuated throughout Italian America.

For many intellectuals, the execution was equally traumatic. As Edmund Wilson said, it "made the liberals lose their bearings." Nothing since World War I so shook the liberal faith in the workings of American institutions or the self-sufficiency of the rule of law. The case was a prelude to the leftward turn of many intellectuals in the 1930s. Most notable, perhaps, was Dos Passos, for whom the case provided the conception of America as two nations, the artistic scaffolding of *USA*, his prose-poem of class warfare.

To Italians it was obvious, in the old Mezzogiorno maxim, that "the law works against the people." Sacco always assumed that the legal system would afford a radical no justice, and Vanzetti, despite his optimism, was convinced as an anarchist that "the laws are the codified will of the dominating classes." But the intellectuals and many on the defense committee simply could not believe the executions would take place. This was Massachusetts, after all, not some Southern state where legal and extralegal lynchings were a matter of course. Therefore, "the catastrophe that nobody had really believed would happen," as Malcolm Cowley described the execution, was devastating when it came.

For Felix Frankfurter, who did more than any individual to rally respectable opinion behind the two men, the case was a test of the rule of law itself. What disturbed Frankfurter, then teaching at Harvard Law School, was not so much an erroneous verdict and a prejudiced trial—hardly unusual occurrences—but the approval of the outcome by the legal profession and the courts. The organized bar considered criticism of the case tantamount to treason—a view, Frankfurter insisted, that could only "work a lasting damage to confidence in our whole system of law."

A true conservative, Frankfurter knew the executions would undermine respect for the law. His young associate, Sidney Glueck, put it another way: "Will [the case] even bring about a fundamental change in that sinister, cynical logic of our craft which will persist in the confusion of means and end, in the raising of law above justice?"

Glueck had hit on one of the fundamental issues to arise from the case. In a thoughtful piece in the May issue of *Harper's*, Prof. Sanford Levinson has observed how the notion of "rule of law" is often casually invoked, as if the concept were self-evidently benevolent, and as if it had anything necessarily to do with "justice." Actually the rule of law was upheld in the Sacco-Vanzetti case. The appeals process was pursued from the local level all the way to the Supreme Court, and at each step appellate judges made decisions fully in accord with precedent. The "great dissenter," Supreme Court Justice Oliver Wendell Holmes, not only refused to stay the executions but would not even read the evidence in the case, "except on the limited points that came before me." The rule of law was vindicated but, in the words of the armband worn by the mourners, "justice [was] crucified."

The day of their death, August 23, 1927, would remain a mental benchmark for millions of Americans of that generation, just as the death of Roosevelt and the assassination of Kennedy would be for their children and grandchildren. Some would remember Sacco and Vanzetti for their bearing in the final days, for the dignity and courage they personified. To others, they would simply be two innocent victims, men whose individuality was dwarfed by the larger injustices they came to symbolize. But we should also think of them as rebels, men of action, dreamers of a perfect world where, as Vanzetti wrote, humanity could move beyond "a cursed past in which man was wolf to the man." Sacco and Vanzetti went to their deaths convinced that the outcome would only speed the victory of their cause: "that agony is our triumph." Perhaps the tragedy of their case lies not only in the injustice that was done but in the fact that their execution was one in a long train of events which seems to have driven their utopian vision out of American life. □

'WORKFARE' AND WELFARE

HARVY LIPMAN

Throughout the Presidential campaign and the first six months of his administration, President Carter has emphasized the need to restructure the country's welfare system. In fact, welfare reform may be the most controversial domestic issue he will face in his first term. Gov. Michael Dukakis of Massachusetts has taken much the same position and is stirring up much the same pro and con clamor. Though it is not his main purpose, it could turn out that he will be running a test program for the President.

Carter has already taken some criticism for his May 1st statement that it might take up to three years to develop a full program of welfare reform. Later that month his affirmation of a policy of not increasing federal spending for welfare programs drew strong criticism both from Congress and from within his own Cabinet. More recently (July 28), *The New York Times* reported that, in response to political pressure, particularly from the big

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cities, the President might soften his position on the welfare budget.

Simply stated, the problem is how to reduce the welfare population (and thus the cost of welfare programs) without betraying recipients and their families. One solution, suggested by HEW Secretary Joseph Califano, is to put welfare recipients to work, if necessary in public-service jobs at the minimum wage. In Massachusetts Governor Dukakis is pushing another variation of "workfare," the main difference being that welfare recipients would work only three days a week and receive no salary except their welfare checks.

The Dukakis plan would apply to about 2,000 fathers of families receiving AFDC (Aid to Families with Dependent Children) benefits. The 2,000 men represent the portion of the welfare population that has been out of work a minimum of two years. All have participated unsuccessfully in the Work Incentive (WIN) program started during the Ford administration. Now they will be given the choice of accepting a workfare position (Dukakis administration officials refer to the plan as a Work Experience Program—WEP) or losing their welfare benefits. The jobs will come from government agencies and private, nonprofit groups such as day-care centers. The men will work three days a week and spend two more either looking for full-time jobs or receiving job counseling from the state. Massachusetts officials emphasize that this is not a job-training program and that participants should not expect to be taken on permanently as government employees after their WEP participation ends. Why, then, bother with WEP?

The underlying assumption is that since these men have been out of work so long, employers are extremely hesitant to hire them. If the state could present such applicants as men who have been working steadily for some time, the WEP theory goes, it would be much easier to place them in full-time jobs. That, of course, assumes that the jobs exist and, according to workfare's critics, there lies the problem. If there is work for these men then why not hire them at the going rate for a forty-hour work week; and if there aren't enough jobs to go around why should these men be punished for being victims of high unemployment?

The Dukakis plan is loosely based on an existing Utah workfare program called the Work Experience and Training program (WEAT). According to figures provided by the Utah Department of Social Services, WEAT costs the state $111,125 a year to operate (not counting costs at work sites for supervisors and equipment). Between those who have gone on to find jobs and those who simply refused to participate in WEAT (and were thus cut off from welfare payments) the state has saved $22,307 a year. That means the Utah plan loses $88,818 a year on a program for 400 persons, one-fifth the size of what Dukakis proposes. Just over 21 percent of the WEAT participants found jobs, but how much of that is attributable to the workfare threat is unknown. In Massachusetts, 20.7 percent of the unemployed fathers interviewed for the WIN program during the last two weeks of April found employment. This would seem to suggest that workfare is an unnecessarily complicated, not to mention punitive, way to make men work for their welfare checks. After all, WIN is also a mandatory program—if you refuse to take acceptable work, you lose your benefits. The difference between WIN and workfare is that the former finds participants jobs at full-time salaries, while the latter requires men to work at scales well below the legal minimum wage.

A major difference between the workfare plans of Utah and Massachusetts is the population that will be forced to participate. Utah includes both mothers and fathers in WEAT; the Massachusetts plan will be limited to fathers, and from that group will select those who have been out of work the longest and are thus the hardest to place. It would be logical to assume, therefore, that its success rate will be lower than Utah's. Asst. Secy. of Economic Affairs Richard Anderson, director of WEP, claims that at least 25 percent of the men forced into workfare will find jobs, and another 25 percent will refuse to participate and will, therefore, be dropped from the relief rolls.

But Utah has been able to remove only about 32 percent of the WEAT participants from its rolls through workfare, and its plan includes people who are (in Anderson's terms) much more "employable" than the 2,000 Massachusetts AFDC fathers. Furthermore, unemployment in Utah stands at 4.7 percent; in Massachusetts it is 6.4 percent. What, then, makes Anderson so sanguine? "Massachusetts has an expanding economy," he said in a recent interview. "There were 30,000 new jobs in April alone. About 2,500 AFDC fathers have found employment through the WIN program since February. We also have 400 CETA [Comprehensive Employment Training Act] positions." Others do not share his view of the state's economic prospects.

Anderson has suggested to Dukakis that workfare sponsors may be found in three areas: private, nonprofit agencies (including day-care centers, school systems, social agencies, etc.) with unfilled CETA slots; agencies which have sought volunteers through the state's Voluntary Action Centers, and state agencies with unfilled CETA slots. But job descriptions are so vague for employment of this sort that no one, and certainly not Anderson, is willing to say just how many of the workfare clients will be qualified for the openings available. In Utah, seventy-one agencies are listed as sponsoring WEAT participants at 320 locations. One state official admitted, however, that most were employed by the Utah Department of Transportation, usually in maintenance-related work (though the program lists thirty-nine job descriptions). Opponents of Massachusetts workfare fear a similar situation there, with AFDC fathers put to work painting stripes on highways and cleaning parks and zoos —not exactly the sort of job experiences that will encourage future employers to hire them.

One opponent—Robert Coard, director of Action for Boston Community Development—says workfare "will perpetuate the welfare system." As he pointed out in a news conference called to criticize the Dukakis plan, "Workfare not only provides no incentives for good work

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performance; it specifically prohibits the participant from earning any more than his regular welfare payment, regardless of the quality and volume of his work."

Even if the program places the men in such socially useful jobs as day-care workers and classroom aides, it still will not provide them with particularly marketable skills. The very fact that agencies haven't enough money to fill the positions without help from workfare indicates that WEP participants will have a hard time finding similar jobs once they have graduated from the program. For these are not skills of the sort that transfer easily to private industry; not many employers are looking for someone whose only recent work experience has been as a forced volunteer in a social-service agency.

Massachusetts officials have shrugged off the matter of cost. Anderson estimates an annual expense of $600,000 to $700,000, with a net savings of $2 million. The savings, of course, are based on his projection that 50 percent of these men will be forced off welfare—a marked improvement over the Utah experience. As for the costs, Anderson has ignored the fact that placing 2,000 workers in fields about which they know almost nothing will require training and supervision. He also fails to include any expenses for materials used for work.

Other fundamental differences between Utah and Massachusetts may drive the cost of the program even higher. For one thing, Utah is a right-to-work state, with fairly weak labor unions. In Massachusetts the Dukakis plan has already run into heavy opposition from firmly entrenched labor unions which fear that workfare participants will take positions that would eventually have become open to union workers. Second, the sheer size of Massachusetts will hike administrative costs. In Utah, for example, more than half the WEAT caseload lives in Salt Lake City. The largest concentration of potential WEP participants is the 24 percent who live in New Bedford; the rest are scattered in towns and cities across the Commonwealth.

Another factor is the difference in proposed work sites. Utah filled 76 percent of its WEAT jobs inside the state government, but both Anderson and Dukakis emphasize that WEP will try to find private sponsorship. One may safely assume that placements in agencies over which the state has entire control could be administered more cheaply and efficiently than placements in private agencies.

If, then, the workfare program may cost the state more than it saves, while at the same time it fails to provide permanent jobs or job training to help welfare recipients get off relief, why bother with it? The answer is that workfare is a political issue. Most Americans still believe that the welfare population is made up of lazy blacks and other minorities who would rather sit on a street corner drinking wine than go to work. According to HEW figures, only 2 percent of the nation's 26 million poor are nonelderly, nondisabled males—and most of those half-million are either between the ages of 62 and 64, ill, or looking for work. But the myth of massive idleness makes voters very sympathetic to any program that puts welfare recipients to work. It is a fact not lost on a politician as astute as Michael Dukakis.

Since being elected Governor in 1974 (after campaigning as a liberal Democrat) Dukakis has systematically attacked and underfunded the state's welfare and other social services. He eliminated the general relief program, supported legislation denying unemployment benefits to workers who leave their jobs for any reason other than a layoff, cut back home-care services to the elderly and infirm, and attempted to cut back the emergency assistance program for welfare recipients who cannot meet rent or utility bills.

To be fair, Massachusetts was in bad financial shape when Dukakis took office, but the social service and welfare program has been forced to bear almost the entire brunt of the cutbacks. That this policy is popular with the voters was shown graphically in May when *The Boston Globe* ran a readers' poll on workfare. The tally was nearly 4 to 1 in favor of requiring welfare fathers to "earn" their welfare checks. Many local politicians are saying privately that the workfare plan will insure the Governor's re-election in 1978.

Dukakis must agree, for he has pushed the idea despite the objections of some of his more conservative cabinet members and several representatives of the business community. His search for some sort of workfare plan has led him through a variety of proposals. At one point he was pushing for a massive public works program similar to the depression WPA. He finally dropped that idea after a December 3rd memo from Secretary of Human Services Jerald Stevens and Secretary of Economic Affairs Howard Smith (probably the most fiscally conservative member of his administration) suggested the plan would cost more than $25 million and probably be a dismal failure. As the document points out, workfare is not a new idea; it was tried unsuccessfully in both New York and California. New York's two plans (one for New York City alone) and the California plan differed in details, but were alike in that they all cost much more than they saved and had no appreciable effect on the size of the relief rolls.

Dukakis persisted, however, scaling down the size of the program and finally sending a team of state officials to Utah and adapting its plan to Massachusetts. The workfare plan has been tossed around within the Dukakis administration for at least seven months, taking various forms as new political and legal objections were raised. As Barney Frank, a liberal Democrat in the state House of Representatives, put it at a hearing on workfare, "It's a concept in search of a program." Just how important the issue is to Dukakis was demonstrated on June 29 when he wrote a six-column defense of his plan for the *Globe*'s Op-Ed page.

Asked whether workfare was a solution to the welfare problem, HEW Public Affairs Officer Eileen Shanahan replied, "It's phony, it's a myth that there are able-bodied men by the millions who are living on welfare. Anybody who thinks this is going to have the effect of taking millions off welfare is misled."

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Nevertheless, as Carter considers his welfare reform proposal on its travels through the Congressional maze (bearing in mind that he initially opposed any increase in current levels of federal welfare spending), he is bound to keep an eye on Massachusetts. If workfare succeeds there it may well turn out to be a pilot program for the nation. After all, Carter and Dukakis are both members of that new breed of Democratic politician (California's Jerry Brown is another) who, while stating sympathy for the plight of the poor, continue to cut back social services, all in the name of preserving our dwindling resources. In fact, when Carter held one of his "town meetings" in Clinton, Mass. earlier this year, he went out of his way to praise Dukakis both for his handling of the state's fiscal crisis and his reform of its welfare system.

The Massachusetts workfare plan will require approval from HEW, and that ruling may be an omen of what will follow in the federal welfare package. Thus far the agency has remained officially silent on whether it will back Dukakis, but one staffer at the Boston HEW office conceded that federal and state officials were working together to come up with an acceptable plan. "It's clear," he said, "from my past experience that they're not going to come in here with something that will be rejected." □

WHERE 'BLACKS HAVE IT GOOD'

SOWETO LOOKS AT THE U.S.

ANDREW SILK

Cape Town

In Maputo, Andrew Young linked the American civil rights movement to the black struggle in southern Africa. In Vienna, South African Prime Minister John Vorster dismissed all parallels between race in the United States and race in South Africa.

As the confrontation between Washington and Pretoria intensifies, so has this debate. The American rhetoric suggests that white South Africans are like Southern crackers who talk and act rough but are ultimately malleable. South Africa insists that the American analysis is facile and simplistic.

Both stances are meant to inspire passion and commitment, and clarity is the victim. Young in Johannesburg tells businessmen that Carter is an Afrikaner; Vorster tells the BBC that he has read *Roots* and has been convinced of the morality of South Africa's "immorality act" which prohibits interracial sex—for he sees how much the black men resented whites' taking their women.

While there is still time, it is important to sketch guidelines by which black and white Americans and South Africans can evaluate their common and uncommon experience. This could help men and women here to understand the nature of inevitable future choices and struggles, and for Americans to understand what is entailed in the call, as Vice President Mondale put it, for "full political participation" for black people in this country.

The most obvious distinctions between black America and black South Africa are here made incessantly. The former comprises 10 percent of the population, the latter more than 80 percent. Black Americans have been much closer much longer to white language and culture than Africans here. Black Americans came as slaves to a land of immigrants; black South Africans lost most of their land in battle to conquering whites.

With this evidence, most whites here close their case, convinced that Americans do not and cannot understand South Africa. American critics are dismissed as naive liberals or simply as enemies. But this attitude overlooks a long history of direct contact and common development between and within both black communities.

About 10 miles from Cape Town, there is an old black man living in a one-room shack who speaks refined, colloquial English. He learned it from black Americans in the 1930s while training to be a minister of the African Methodist Episcopal Church. Missionaries of the church, which was founded in America, established a school here which they called Wilberforce.

"I joined AME," the man recalled one afternoon, "because it seemed to be the only church where a black man could become a bishop—could be promoted to the highest level. At that time we had great respect for the Negroes, because they seemed to be so much more advanced than ourselves, and had been able to do much more for their people."

Over the years, this respect has grown, and now it is highly glamorized. While some religious links persist, the dominant influences are cultural and political. American jazz has been followed intensely here for many years. There are old black musicians in Soweto who grew up on Ellington and Armstrong, younger ones who take their style from John Coltrane, Archie Shepp and Gene Ammons. One can go out to remote African locations where there is no electricity or running water and hear hard jazz coming from a record player powered by large dry-cell batteries.

With the jazz has come a craving for American fashions and a life style imitated from grade-B movie thrillers and love stories which have always been staples of black movie houses. In Sophiatown, the old African township of Johannesburg which was destroyed in the mid-1950s, there was a movie theatre called "Harlem." The name "*tsotsi*"—now used to refer to hoodlums—is an African

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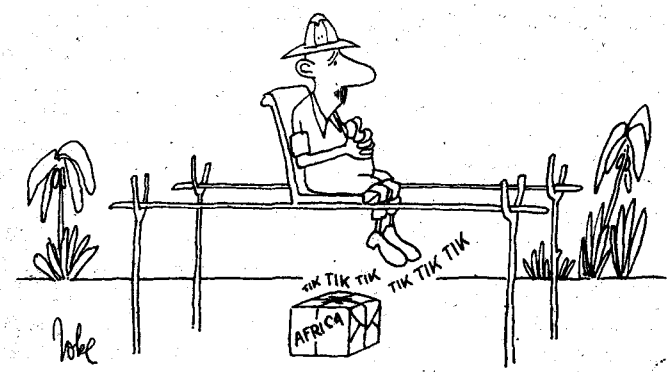
corruption of "zoot suit"—the clothes an old gang called "The Americans" was said to have worn. Today almost all stores selling to Africans display "American imports" and "American cuts."

Advertisers have seized on this identification. Men and women are urged to buy goods because black Americans also have them. In a market study conducted a few years ago in Soweto, residents characterized America as "a beautiful place," a "place where blacks have it good."

This romantic association is not hard to explain. Black South Africans were the first Africans on the continent to be urbanized, and the only ones to come to cities which employed a settled white working class. Superficially, at least, their experience was closer to that of black Americans than to the lives of other Africans further north, or even in their own rural areas. As aspirations of urban blacks became "Westernized," they turned toward that black culture which appeared to have succeeded in the city.

At the same time, though, there have been small groups of writers, artists and activists who have looked closely not at the dreams of black Americans but at their struggles. Since the 1950s some have come to know black America through the works of Richard Wright, James Baldwin and Ralph Ellison. According to an African in Cape Town, *Invisible Man* is today one of the best introductions to black South Africa. This closeness of "feel"



De Nieuwe Gazet, Antwerp

was confirmed by a black American who has recently returned home after living nine months in Soweto. While there, he was struck by how well he fitted into township life (although he spoke no African language) and by how much it reminded him of his own youth in New Orleans.

One finds similar intellectual and political movements in both countries. The African National Congress—now the main exiled liberation movement—was for most of its life a moderate organization similar in style and composition to America's National Association for the Advancement of Colored People. The former was founded in 1912, and NAACP in 1913. Both were dominated by a black elite of doctors, teachers and religious leaders (the ANC also had tribal chiefs as members). Both campaigned for many years for a gradual integration of blacks into white society.

Later, in the 1950s and 1960s, when Martin Luther King Jr. was devising civil disobedience campaigns influenced by the writings and tactics of Mahatma Gandhi, Gandhi's direct heirs here were doing much the same work. (Gandhi spent twelve years in South Africa and many of his *Satyagraha* ideas were formulated here. His son never left South Africa.)

The nonviolent Defiance Campaign in Johannesburg, Port Elizabeth, Cape Town and other cities, in which blacks and whites invited arrest by ignoring apartheid signs began a few years before King's sit-down strikes. And within a year of each other, blacks in Montgomery, Ala., and in Alexandra, outside Johannesburg, walked for months in protest against increased bus fares.

As both movements became more militant, similar clashes broke out between multi-racialism and black exclusivism. The split between black students and the white Left in America—embodied in the conflicts between the Students Non-Violent Coordinating Committee and Students for a Democratic Society—was followed a few years later by the withdrawal from the National Union of South African Students of a group which then formed the South African Students Organization (SASO).

The founders of SASO tried to bring together many of the common threads in both movements, and made the most consistent attempt to link black American thought to South Africa. They recognized that despite profound differences in economic structure, population and history, the psychological impact of racial domination had strong parallels in both countries. It was for this reason that common tactics had been used and could still be used to overcome it.

"We did not know very much about the States," a former SASO member told me, "and we did not know if we could make an intensive use of the American black experience. However, we saw that the whole technique which Americans in the Black Power movement used—making people aware of their position and that of the white man—was one that could be used with great force here."

At SASO leadership conferences, the works of Malcolm X, Frantz Fanon, Stokely Carmichael and Eldridge Cleaver were discussed. As SASO strategy, policy and philosophy evolved, it became close to that adopted by American militants. Just as the latter saw moderates and white liberals as their most immediate and vulnerable enemies, so SASO refused officially to meet with homeland leaders and those whites who opposed the ruling party. As black Americans asked their brothers to look to Africa for a common identity, SASO called for a new identity created by the common suffering of all "non-European" people—the 16 million Africans, 2.5 million "coloreds" of mixed blood, and the 600,000 Indians. As "Negroes" demanded to be called "blacks," so did all men of color here.

SASO is now moribund—broken by several years of government action. Most of the leadership is jailed, in exile or under house arrest. But "black consciousness"—SASO's main intellectual contribution—has become the central political force among urban blacks, and is generally acknowledged to be at the heart of student thinking since the start of the riots a year ago.

That this is so has been confirmed even by Mr. Jimmy Kruger, Minister of Justice and Police, who earlier this year blamed "Black Power" for the mass destruction and

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death, claiming that black American thought is subverting the country. The commission investigating the riots has also looked to America for its causes. A journalist came upon a member of the commission's staff reading *Soul on Ice*.

But if the thinking of the leadership of both movements, and the measures they have taken, have often been the same, the results have not. Jim Crow is dead; "petty" apartheid lingers. Black political rights in America have grown rapidly; in South Africa, black participation in a common society has been steadily chipped away. The era of violent racial confrontation in America is thought to have ended; most here fear that such violence has just now begun in earnest.

Why is this? It is often claimed that South Africa is "behind" America. But although attitudes and practices here may resemble those in America fifteen years ago, this is misleading. For the evidence of many years suggests that what has happened in the United States cannot happen here.

It is with this stark background that all other parallels must be examined. Young brought to southern Africa not only the moral commitment of civil rights campaigns but also economic arguments which he feels were ultimately used to win these campaigns. South African businessmen, he suggested, could play a role similar to that played by Southern businessmen in the 1960s in helping to break the deadlock of black protest and white resistance. Without both dedication and courage on the part of private industry to invest heavily in all aspects of black life, there would be little chance of preventing widescale race and class war.

Although he did not say it in so many words, Young suggested that a black middle class can be created here. But can this class in fact come into being? If it could, would it be able to have the same function as it did in the States? Would it be able to acquire the political and economic stature of which Young himself is an embodiment?

Even a cursory look at black living conditions, government restrictions, opportunities and educational levels in South Africa shows that no more than a few blacks have been or could be brought up to the level of the black middle class in America, not to mention that of the white middle class here. In 1975, the average South African white household received almost $600 more *per month* than the average African family. Average wages for whites were eight times that for Africans.

Urban blacks currently live under restraints similar to those in a Communist state. They are unable to own land, they cannot freely conduct business, they are not allowed to bargain for their labor or to travel to seek work. Thus, beyond the provision of the present basic services in the townships—electricity, tarred roads, sanitation and recreational facilities—any serious reform would have to require black ownership rights, an expansion of overcrowded townships, the removal of all trade restrictions in townships, and increased community control. These are the barest prerequisites for a potential "middle class."

In employment, business would have to do far more than increase wages and give other incentives to black workers—moves which are most unlikely as the country's recession deepens. They would also have to press for a reduction in the migrant labor system, which still fuels a large segment of the economy, and allow a strong system of collective bargaining to be established. And businessmen would have to work with black leaders and try to establish positions of influence for them, not just within their own community but as a political force in white South Africa. It is a tall order.

Whereas American businessmen had to be persuaded or compelled to open jobs for blacks, invest in the black community, and obey government anti-discrimination legislation, their counterparts here would have to do much more. They would have to push hard for direct political change, which would often appear antithetical to their own self-interest. For as liberals here have long argued, the ideology of apartheid (which maintains that blacks are only temporary city residents, ideally confined to unskilled jobs) may provide cheap labor and high profits for a long time, but it ultimately produces serious structural underemployment, unemployment and extreme rural poverty.

Those who have pushed for dramatic new policies for South Africa have not had the unity, power, or perhaps the determination to pressure the state. Harry Oppenheimer, the director of the huge Anglo-American mining company—and Andrew Young's Johannesburg host—has long bankrolled the Progressive-Reform Party. It is the white opposition party, with twelve members in Parliament, and it favors a gradual transition to power sharing and majority rule. Yet Oppenheimer has so far been unable even to win government permission to reduce significantly the number of migrant workers in his own mines.

As a group, businessmen have refused to take a direct political role. Many agree with the government position that the granting of real power to urban blacks would quickly lead to a majority rule in which they would lose all. Others, while granting the desirability of dramatic reforms in the treatment of Africans, are afraid that over the years the costs and risks of making them have grown too great. Full recognition of black trade unions is a move, they also fear, that could easily lead to a takeover by radicals.

And so businessmen have only managed to agree on calls for relief work in the townships, wage increases (which, while often substantial, have failed to do much to narrow the black-white wage gap), and improvement of black living conditions, within the restrictive government guidelines.

More than $7 million has been collected for a nonpolitical urban foundation designed to "improve the quality of black urban life." Firms in Cape Town are building new single-sex dormitories for their migrant workers; the companies have been unable or unwilling to press the government to allow men to bring their wives and children with them from rural areas. Business has also cooperated in plans for a few "model" black townships. One is now scheduled outside Johannesburg; several others are already under construction for the "colored" com-

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munity outside Johannesburg.

There is, however, no possibility at present that residents of new "model" areas will be given any power in a common South Africa. Nor is there much hope that any moves to give greater autonomy and security in existing townships will enable blacks to bring change to the laws and conditions which control them in "white" areas. Thus business may be able to create a small middle class in form but not in substance.

It is not at all clear that business, even if it wanted to, has the ability to raise living standards for the bulk of the black population, either through transfer payments or through more and better jobs. Political restraints are controlling. At least a million blacks are now unemployed. A national economic growth rate of 6 percent is necessary to keep conditions from deteriorating further. Last year, the country's economy grew less than 1 percent.

This does not necessarily mean that Andrew Young's prescription for capitalism and middle-class leadership is naive or counterproductive. There is a potential for businessmen to give some flexibility to a race and class structure that grows ever more rigid, if their money is invested properly. Even those who desire an African form of socialism in a black-controlled South Africa recognize the need to put more wealth in black hands, and to train more blacks to manage and generate this wealth if the nation's economy is to withstand the political transition at all peacefully.

But one thing must be made clear. The American way of repressing, seducing and discouraging radicals—while giving political and economic license to a black elite and middle class—cannot be followed here unless South African whites prepare for far greater sacrifices than they have so far shown any signs of making. And they will be taking far greater risks than their American equivalents ever had to envision.

As the racial clash here intensifies, the black South African's romance with America will fade. The system that will emerge from this clash, as people in both countries must realize, may bear little resemblance to that in which black Americans have found their current, still uneasy, peace. □

AN EXCHANGE OF VIEWS: ARTHUR SCHLESINGER JR. AND RONALD RADOSH

THE HISTORIAN AND POWER

I am glad to see that Prof. Ronald Radosh [*The Nation*, August 6-13], like Bill Buckley before him, is making use of the excellent, though incomplete, work of the Declassified Documents Reference System of Arlington, Va. I say incomplete, because not enough documents have been declassified to permit a serious historian to conduct what Mr. Radosh claims to have conducted—an exploration of "the manner in which power was served by historian Arthur M. Schlesinger jr. in the days immediately preceding the Bay of Pigs invasion."

For I sent *two* memoranda to President Kennedy—one on April 5, *before* the final decision to go ahead with the plan had been taken; a second on April 10, *after* the decision had been taken (and indeed five days before the first air strike and seven before the landings). Obviously any serious account of the way in which I served power, to use the Radosh phrase, would have to deal with both memoranda. Unfortunately the first memorandum is still classified. I do not have a copy myself, and some weeks ago, after Mr. Buckley first wrote about the April 10th cable, I made a formal request for the declassification of the April 5th cable. The request is still in the works. One is not surprised that Mr. Buckley, a slap-happy polemicist, rushed ahead on the basis of one memorandum alone. One would have thought that Professor Radosh, who pretends to be an historian, would have waited for a more adequate record.

In any event, the first memorandum was written when I still hoped the operation might be canceled. It expressed my opposition to the adventure. If I can ever get a copy, I will be glad to show it to the editor of *The Nation*, Buckley, Radosh, et al. The second memorandum —the one discussed originally by Mr. Buckley and now taken up by Professor Radosh—was written after we had passed the point of no return. Professor Radosh claims that this second memorandum "makes available the major arguments offered the President by the historian." One wonders how he could have dared claim this without having seen the first memorandum, where in fact the "major arguments" are made. But Professor Radosh has little respect for the normal historian's rules.

The second memorandum did not argue against the decision but, accepting it as taken, was an attempt to enumerate the variety of perils and difficulties the adventure would produce and to illustrate the embarrassments into which we would get in trying to overcome them. It was not an attempt to persuade a President to lie. It was an attempt to make him fully and specifically aware of the mess into which we were heading. At one point, in order to sharpen his, and my own, sense of these problems, I presented them in the Q and A format of a press conference, thereby playing into the hands of the Buckleys and Radoshes of the future. But the intent of the memorandum is plain enough and I think trickles through even Professor Radosh's account.

As to why I did not resign rather than go along with the Bay of Pigs, the answer should be evident enough. I knew and trusted John Kennedy. I was sure that he would never for a moment have promoted anything like the Bay of Pigs himself. (For the young, I should perhaps recall that this project was an inheritance from the Eisenhower administration.) I felt that to resign

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over this single issue would be foolish when his administration held out so much hope for the country and the world. In retrospect, I see no reason to regret that decision. I might point out further that I have been hereafter the major source of evidence for my own iniquity regarding the Bay of Pigs, whether in *A Thousand Days,* statements about cover stories to *The New York Times* or elsewhere.

Professor Radosh, if I understand his opening point, seems to hold that scholars should never work for the state lest they become corrupted by partisanship and power. Does he really wish the management of affairs to be handed over exclusively to lawyers, bankers, businessmen and generals? He must be kidding. For that matter, compromise is involved in every activity of life, not in government alone. It is entirely possible to deal with practical realities without yielding inner convictions; it is entirely possible to compromise in program and action without compromising in ideas and values. Has Professor Radosh never compromised about anything? My own impression is that academic politics is fully as devious, mean, dishonest and corrupting as the politics of the state.

Perhaps Mr. Radosh's article is an example of that. Next time he might wait until he has all the evidence in before he discharges his resentments. And, please, if only New Left historians would get their facts right! Professor Radosh thus writes that Mr. Schlesinger "candidly described himself, in an April 1961 interview with journalist Irwin Ross, as a 'court philosopher.'" This seemed to me improbable, since I have never thought of myself, candidly or otherwise, as a court philosopher and it is hard to suppose that one could have said what one could not have thought. However, Irwin Ross is an excellent journalist, so I dug his piece up. Here is what Mr. Ross wrote: "Writing in *The New Yorker,* Richard H. Rovere called it 'an extraordinary assignment . . . the court philosopher went out of fashion along with royal courts.' After the article appeared, Schlesinger responded to a phone call from Rovere with a cheery 'Office of court philosopher.'" In other words, an ironic observation by Richard Rovere, responded to by me in a manifestly satiric salutation to an old friend, is transmuted by Professor Radosh's historical alchemy into a candid self-description by me to Irwin Ross. A trivial point but symptomatic of this breed.

Sincerely yours,
Arthur Schlesinger jr.

Ronald Radosh Replies:

Mr. Schlesinger tries hard, but the evidence sustains the analysis I offered. He attempts to score points by concentrating on minor matters, while he avoids dealing with the substance of my argument.

The first memorandum is indeed unavailable. Yet readers will see that I took note of its existence. In fact, nowhere did I challenge Mr. Schlesinger's assertion that he opposed the invasion on tactical, rather than on principled and moral grounds. My hunch is that when it turns up, it will bear out Mr. Schlesinger's claim. But the contents of his White Paper, as well as the second memo, are enough evidence for us to conclude that Mr. Schlesinger shared the administration's hope, to use Robert Kennedy's words, that the overthrow of Fidel Castro had "the top priority in the United States Government."

Moreover, the first memo's unavailability in no way disqualifies the points to be made about the second memo. Readers can easily check for themselves whether Mr. Schlesinger's claim that it was not "an attempt to persuade a President to lie" is correct. Mr. Schlesinger's defense, actually a rewrite of the case laid out for him in journalist Garry Wills's syndicated column, does not deal with the following:

(*1*) Schlesinger's role in press manipulation and his efforts to steer the public away from knowledge of CIA activity. (*2*) The clear and striking discrepancy between the account Mr. Schlesinger offers posterity in *A Thousand Days* and the actual words of the April 10th memo. (*3*) The fact that in the April 10th memo, Mr. Schlesinger's main concern is how the President can avoid taking responsibility for the operation, should it fail. (*4*) The fact that the President used some of the suggested formula in the one press conference held prior to the invasion.

Mr. Schlesinger does not seem to realize that I do not see him as a crude hard-liner. Rather, I describe him as an intellectual who sought restoration of a liberal capitalist Cuba: one more to the liking of the Kennedy liberals. As I put it, he preferred "the less blatant type of intervention." And his work on behalf of that goal is certainly a corruption of the scholar's integrity. Mr. Schlesinger functioned as a servant of power who developed pre-ordered rationales (i.e., the White Paper) for counter-revolution. This role does not involve a strategic compromise by one who adheres to principle.

Finally, Mr. Schlesinger seeks to discredit my argument with an entire paragraph on a very minor point: my alleged misquote from the Irwin Ross article. At this point, I would strongly recommend the discussion in Jesse Lemisch's important book, *On Active Service in War and Peace: Politics and Ideology in the American Historical Profession,* an overview detailing how the major stars of the historical profession candidly put history in the service of postwar anti-communism, and where the Ross article is first discussed. Strangely, Mr. Schlesinger stops his quote from Ross immediately before the following sentence, where Ross wrote: "To function effectively, a court philosopher has to enjoy a strong intellectual bond with his chief. It is just this sort of rapport which Schlesinger, by all accounts, has with Kennedy." Ross, certainly an "excellent journalist," had precisely the view of Mr. Schlesinger which the historian denies as his own. My sentence should have read: "Mr. Schlesinger is a most appropriate subject, and journalist Irwin Ross accurately described him as a modern version of the court philosopher." I am sorry that Mr. Schlesinger is so offended that he cannot honestly acknowledge the role he played within the Kennedy administration.

In closing, I note that I share the recent estimate made by Bill Moyers, who wrote that Mr. Schlesinger cannot be considered "an unemotional historian of the era"; nor, I would add, a particularly objective one.

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BOOKS & THE ARTS

The Second Decade of 'Little Big Man'

FREDERICK TURNER

There are probably reasons why Thomas Berger habitually adopts the unfashionable, no less in his opinions and mode of life than in his choices of literary subject matter. He must be, for example, one of the few writers, artists, or intellectuals who admits to having enjoyed his stint in the Army and who looks back on it as a period of maximum personal freedom. And he must also be one of the few from the same set who genuinely loathes personal publicity, not in the sedulous Salinger way but out of a thoroughgoing distrust of its aims. So too, the subjects of his novels, from the very outset to his latest *Who Is Teddy Villanova?*, have been either those somehow out of fashion or never in it at all.

He began with two books about a big fat loser from the Midwest, and a WASP at that. Of course losers can be winners if they are identifiably ethnic, as the Jewish losers of Malamud and Bellow have shown us; or if they are made to come from an area to which some sort of aura is attached—say New York City, New Orleans or California. But selling novels about Midwestern WASP losers is a different matter. True, in the first of these novels, *Crazy in Berlin*, the locale is foreign and there are Nazis in it, but the focus is still poor Carlo Reinhart, and in any case this was a bit before the vogue of the Nazi or anti-Nazi novel. In the second, *Reinhart in Love*, the setting is disturbingly like Cincinnati, and there are no foreign villains, only local chiselers. Later this sequence became a trilogy with the coming of early middle age to the feckless hero, a man who has missed out on everything except the dung that successive generations or pressure groups delight in flinging at one another. This he catches.

In between the first two Reinhart books and the third were two other novels: one, *Killing Time*, in which the writer takes the part of a psychopathic murderer with a distinctly non-Western sense of time; and the other, *Little Big Man*, about Indians.

In the early 1960s when Berger began work on *Little Big Man*, standard publishing wisdom had it that you couldn't sell a book about Indians, or indeed, a Western of any sort. There was good reason for this: for a solid century the nation's creative minds had been working the Indian/Western lode and producing hordes of dime novels, penny dreadfuls, stage dramas, films, and a succession of Zane Grey and Max Brand books as apparently endless as an Arizona skyline. By the mid-1930s the nation had had enough, particularly enough of Indians, and this vein of cultural history seemed, for creative purposes anyway, played out.

It was a faulty vein to begin with. However fascinated white Americans have been in the past with the aborigines, they have also felt a concurrent disgust with the Indian and with the wild lands through which he was pictured as aimlessly roaming. Both wild men and wild lands were seen as impediments to Progress that should be removed as soon as practicable. William Tecumseh Sherman, a man many would have liked in the White House, remarked in this connection that the more he thought about it the more it became clear that most Indians would have to be killed off and the remnant maintained as permanent paupers. So it is not surprising that after this had been effectively achieved with the quelling of the last Indian uprising at Wounded Knee in 1890, public interest in the Indian should have begun to dwindle. By the 1960s James Fenimore Cooper was a fogy whose Indian books moldered on grandfathers' shelves or sagged in their cloth shrouds in the dim reaches of branch libraries, and even Iron Eyes Cody and Jay Silverheels had become forgotten extras.

It was in this climate that Berger wrote *Little Big Man* and in this same one that the book perished. Its hardback sales were very modest, and though it made it into paperback, the hardback could be had in remainder outlets a scant two years after its publication.

The Indian vein, however, is trickier than the Lost Dutchman Mine, and especially when worked by someone who had truly rediscovered it. *Little Big Man* went underground, our euphemistical way of saying that although a book has been generally ignored, still a small number of people (usually those without professional literary obligations) keep recommending it to friends. In this way Berger's Indian book lived on, and its author continued to receive letters from the hinterlands saying, what a wonderful book this is! All this while the usual signs of success were missing: frequent mention in the literary power centers, articles in scholarly journals, Ph.D. dissertations. This condition persists into the second decade of its existence, despite the fact that *Little Big Man* has been accorded the two ultimate honors of American popular culture: a film version and treatment by *Mad Magazine*. Both were parodies, and, typically, Berger was delighted by *Mad*'s version of Arthur Penn's film adaptation.

That so brilliant a novel should experience such a fate is at once curious and understandable. It is curious in that few creative works of post-Civil War America have had as much of the fiber and blood of the national experience in them. There have been a few writers here and there who have recognized this, like Henry Miller, who drew what now seems the inevitable comparison between Berger and that earlier radical Americanist, Mark Twain. Most critics, however, either ignored *Little Big Man* or dismissed it as a mildly entertaining anti-Western.

The novel's career is understandable in light of what has already been suggested about national tolerance on the subject of the Indian. But it is not just the subject matter that is a factor here, it is also the treatment, and the combination touches in a profoundly uncomfortable way some still unresolved cultural ambivalences.

Characteristically, Berger dug deeply and imaginatively into the Western archives of fact and reminiscence in composing *Little Big Man* (in working on *Crazy in Berlin* he read German literature back to the Middle Ages). Anyone who has taken the trouble to riffle through a moderately well-stocked card catalogue knows that the literature on Plains Indians and Plains Indian campaigns is enormous. Anyone who goes

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further and actually reads some of this knows that upwards of 90 percent of it is crap that the general public has done well to let alone. Particularly depressing are the standard histories about the winning of the West, the Indian campaigns, and biographies of the region's major figures. The great majority of these are almost entirely derivative.

But beneath the Francis Parkman/Theodore Roosevelt/Zane Grey version of the West there exists a nexus of people and events which even yet can scarcely be called "history." Many of these people and events are all but unknown, or misunderstood, or misrepresented, and thus the history remains unwritten. It was the genius of Berger to see this ur-history waiting there and to bring it to light and life in a dramatic cultural dialogue between whites and Plains Indians. For a change, for the first time really in American letters, *both* cultures are seen from the inside out.

The inventive stroke that made this possible was Berger's creation of the title character, Jack Crabb/Little Big Man, for it is in the actual reminiscences of just such cultural go-betweens that the real history of the West exists. Surprisingly, for a time and place not overly involved with literacy, there exists a sizable body of these first-person accounts—diaries, letters, journals, memoirs—telling in spare, bleak, homely ways what it felt like to be in those vast spaces west of the Mississippi with the Army and the Indians on a collision course.

For various reasons, though these documents have been known to specialists for many years, little if any effective use was made of them before *Little Big Man*. Francis Parkman, for example, evidently read some of them, but his Brahmin gloss reduced them to indistinguishable stitches in the designs of his triumphant white history. Theodore Roosevelt read Parkman and was powerfully influenced by his predecessor's use of these primary materials so that when he came to write his own history it was after the same fashion. Owen Wister read both Parkman and Roosevelt and dedicated the type of the 20th-century Western, *The Virginian*, to the latter. And so it went.

One reason for this misuse and neglect of these old documents is that they themselves are so hard and uncompromising in content, texture and vision that historians and novelists have preferred to turn to one another's work for source material or else invent. It is difficult to make either elegant history or racy fiction out of the scrawlings of these accidental writers who, when not semi-literate, were literate with a self-conscious vengeance. Moreover, some of the more intriguing of these writings were ghost-written, as in the case of Jim Beckwourth, a Missouri black who moved back and forth between the whites and the Crow tribe. It has been even more difficult to construct a literature out of such documents that would serve the national interest by creating and maintaining a glitteringly positive image of the conquest of the Western wilderness, for the message of these fugitive scraps is often terrible and unlovely. So, it has been felt best to let these things alone.

Berger's approach to the West was, in a sense, to take these materials on: to let them speak for themselves, as in *Little Big Man* they do through the narration of Jack Crabb. For Crabb is precisely one of those curiously educated roughnecks who in his later years might have gotten around to writing down his memories or—more rarely—who might have been discovered and interviewed by some Western Americana buff. And this latter is just what happens as Crabb is discovered and interviewed in a rest home. The situation thus provides Berger with a perfect opportunity to illustrate that contrast of style, language and vision that divides the West of the Westerners and the West of the writers. Here the "Man of Letters" haltingly introduces himself to his 111-year-old "discovery." Crabb surveys him in silence for some moments before speaking:

> "You're a sissy, ain't you, son?" he said at last, not however unkindly. "Yes sir, a big fat sissy. I bet if I squeezed your arm the impression would stay there for a long time like it was made of tallow. I knowed a fellow looked like you come out West and went among the Kiowa and they tied him up and let the squaws beat him sore with willow sticks. You got my money?"
>
> I realized that the old scout was testing me, and therefore I failed to show I had been offended, as indeed I had not been.
>
> "Why did they do that, Mr. Crabb?"
>
> He grimaced, which involved the total disappearance of his eyes and mouth and most of his nose, only the end of which protruded like one fingertip of a fist wearing a shabby leather glove.
>
> "An Indian," he said, "is crazy to figure out how a thing works. Of course, not everything interests him. What don't, he don't even see. But they was interested in that sissy, all right, and wanted to find out whether he'd cry like a woman if he was beat. He never, though the marks showed on his back like they was flogging a cheese. So they gave him presents and left him go. He was a brave man, son, and that's the point: being a sissy don't make no difference at all. You got my money?"

There is no better single exemplification of *Little Big Man*'s essence than this, for within the old man's anecdote the actions of the Indians and the white man are viewed with an evenhanded detachment that can only come from an understanding and an acceptance of the ways human beings act.

Here is the informing center of Berger's achievement, for what gives Crabb this humane detachment is also what allows Berger to plausibly endow him with it, and this is a profound understanding of Plains Indian culture and history. So profound and convincing is this, indeed, that when in the course of filming *Little Big Man* Arthur Penn informed a group of Indian actors that Berger was white, they refused to believe him. "We don't care what he calls himself," they said, "We know he's an Indian."

Even more than the fear of the gnarled, recalcitrant white documents already mentioned, it has been an ignorant contempt for the Indian portion of the story that has caused the poverty and unreality of so much of the literature of the West. It has been the absence of this vital dimension that explains why the ur-history remains to be written.

Berger's reading in the history and traditions of the Plains Indians, particularly the Cheyenne, brings to his fiction a balance and a realism unmatched in the work of any novelist or historian before him, and Jack Crabb, moving back and forth between the whites and the Cheyenne camps, can thus come to a state of awareness that transcends both. He comes to understand both myth and history as radically human constructs. Or, in the novel's terms, he understands what the Cheyenne mean when they say, "This is the way things are," just as he understands the determination of Custer and the whites to make things different. This is a vision sufficiently transcultural to allow Crabb to lament the brutal destruction of the tribal cultures but to see at the same time that even this is, alas, finally human—and thus perhaps inevitable.

It is this position beyond sentimentality, beyond classic American liberalism, that may help to account for *Little Big Man*'s lack of wide popularity in this period of interest in the Indian, just as it may also account for the novel's continuing status as an underground classic. Significantly in this connection,

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Little Big Man is best known through the movie version where Penn, who on the basis of his previous work would seem once to have known better, simply transposed the familiar designations (white/good, red/bad). This easy fillip satisfied the shallow liberal mood of the time, but it was false to the vision of the novel and false to the facts of the West.

The vision of the novel as Berger wrote it is far closer to that of cultural relativism than to Penn's liberalism or America's Manichaean complex: not the sappy sort of relativism that out of indolence or ignorance blurs all distinctions only to establish new ones of its own; but the sort so persuasively argued by our great anthropologists, Edward Sapir, Melville Herskovits and A.L. Kroeber, which does not make a brief for one cultural system over another but argues instead that cultural "strengths" and "weaknesses" are all distinctly relative. Moreover, to take this position is to argue in a genuine way for the difficult and now awfully degraded notion of a culture's right to be.

It is in this sense that Berger's novel appears as a seminal event in what must now seem the most significant cultural and literary trend of the last decade: the attempt on many fronts to develop structures, styles, ways of thinking that are beyond any version of ethnocentrism. In politics, public affairs, and education this trend has often been precisely that—trendy—just as it has often been terribly self-conscious and sometimes self-seeking. Yet one suspects that its continuance against all these frustrations signifies an awareness that in it lies the best, indeed the only, hope for human survival.

In literature, this trend has taken the form of a remarkable outpouring of work in various genres in which writers have tried to imagine a literature—and through this a world—loosed from the bonds as well as the supports of cultural superiority. It is hardly surprising that in the New World these attempts have taken the form of reinvestigations and re-explorations of the wilderness and wilderness peoples. One thinks here of the work of Peter Matthiessen and Edward Hoagland, of Gary Snyder, Robert Bly, James Welch and Ray Young Bear; of Leonard Cohen's *Beautiful Losers*, John Barth's *The Sot-Weed Factor*, Scott Momaday's *The Way to Rainy Mountain*, Tony Hillerman's *The Blessing Way* and *The Dance Hall of the Dead*. Most recently, Carlos Castaneda's four books have shown in a startling way just how relative reality itself may be. Such re-explorations are deeply appropriate since it has been the hard fate of Americans to learn that much of that past which they thought of as "history" has in fact been fictionalized, particularly this aspect of it. And as if this were both type and symbol of the whole, our writers have been going back over it to see how it might have been otherwise.

More than ten years after *Little Big Man*, imagination has not yet been equal to the task of reordering the world in which we live, as Wounded Knee II, for one example, has shown us. Nor has the kind of recognition come to this novel that might betoken a wider understanding and acceptance of a vision beyond ethnocentrism and liberalism too. Yet because of its unique vision and because it can now be recognized as a crucial work/act in this ongoing movement toward a more humane and tolerant notion of culture, of man and his works, Berger's book continues to do its work. In that it tells us of the way things are—and of the way they might be. □

The Radical Americanist

BROOKS LANDON

Radical transitions give Thomas Berger little pause: having just published *Who Is Teddy Villanova?*, his twisted celebration of the private-eye thriller, he is now well into the writing of a novel about King Arthur and the knights of the Round Table. I use the word *about* here with some reluctance, for to know what Thomas Berger writes *about* is to know little indeed. Who, knowing that Berger was writing about the old West, could ever have envisioned the story of Jack Crabb, the protagonist of *Little Big Man*? Or, who, besides Berger, could have imagined and sustained the role inversions and sexual confusion of *Regiment of Women*, a book so curiously written as to miff readers on *both* sides of the feminist issue? Berger rarely allows his readers the luxury of certainty. Author of eight novels, *Crazy in Berlin* (1958), *Reinhart in Love* (1962), *Little Big Man* (1964), *Killing Time* (1967), *Vital Parts* (1970), *Regiment of Women* (1973), *Sneaky People* (1975) and *Who Is Teddy Villanova?* (1977), he resists classification. With the recent publication of *Who Is Teddy Villanova?*, Berger has once again got less of the literary limelight than he warrants. In 1962, when he had written only *Crazy in Berlin* and *Reinhart in Love*, Ihab Hassan noted with some puzzlement that Berger had so far managed to elude both the critical appreciation and responsive readers that he deserved, remaining in the shadow of Saul Bellow and Joseph Heller. Eight years and three novels later (one of them the popular and highly acclaimed *Little Big Man*), the situation had not noticeably changed. In a thoughtful discussion of *Vital Parts*, Berger's fifth novel and one of the few attempts by an American novelist to face the counterculture of the 1960s, Richard Schickel expressed the sad conviction that "Thomas Berger will never achieve the recognition he deserves." Now, with the enthusiastic reviews of *Teddy Villanova*, one has to wonder whether the odds aren't finally about to shift in Berger's favor.

Odds, however, have not been Berger's problem. To use a phrase applicable to many of his characters, he has been his own worst enemy, persisting in the writing of novels that are aggressively intelligent, and consistently resistant to the twin sentimentalities of idealism and despair. His career to date has been a refreshingly eccentric refusal to cook what D.H. Lawrence once called "the awful pudding of One Identity." Berger has written eight novels in a range of styles and settings. His exuberance is evident everywhere, especially in his language. When Russel Wren, the garrulous ex-English instructor, down-at-the-heel private-eye hero of *Teddy Villanova* is knocked out by a single hamfisted punch from a giant sadist, he comes to with the realization: "My loafers were in a position just ahead of his coal-barge brogans, a yard from where I slumped; meanwhile, my feet, twisted on their edges and crushed under the crease between thigh and buttock, were only stockinged: he had knocked me out of my shoes!" Berger also possesses a perfect ear for the American vernacular (a skill he showcased in *Sneaky People*, his tribute to the unleveled vitality of the pre-television American language of the 1930s). The juxtaposition of the natural banter of his characters with the formal precision of his own syntax and diction creates the sort of incongruity Thomas Berger enjoys.

Berger's characters are a string of

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outrageous but plausible individuals who are, in his words, "persistent liars" and "monsters of one persuasion or another." These characters (most notably Carlo Reinhart in the trilogy of *Crazy in Berlin, Reinhart in Love* and *Vital Parts*, Jack Crabb in *Little Big Man*, and now Russel Wren in *Teddy Villanova*) are all observing Ishmaels, acted upon more than they act, content not to try to change things so much as to survive and understand them. They *do their best*. They may trick, abuse, and betray one another, but in a world where understanding seems full of drawbacks and the irresponsible "have a permanent one up on those who feel obligations," they are no more nor less than normal. Playing out his thankless role in a violent confrontation with his long-haired, slogan-spouting son, Carlo Reinhart calmly realizes:

> Blaine played a ruthless game. He was a pacifist when asked to go to war, an advocate of violent demonstrations for Negroes and college students, a believer in free love for anyone under thirty and repression for those older; he had contempt for money and those who earned it but demanded to be given as much as he needed; he dressed and comported himself flagrantly so as to attract attention, yet getting it he derided and/or denounced his audience.
>
> He was, in short, altogether human and absolutely normal. There was no mistaking his commitment to injustice, to incessant provocation, to maximum publicity, illogic, malice, attachment to his own crowd and frightened hatred of any other, his solipsism, his nightmares, his sadism, or his relationship to his father. You wouldn't find him tormenting a stranger. He loved his old dad.

In the courtroom of his novels, Berger is neither judge nor advocate. Accordingly, his novels brim with characters of wildly opposing viewpoints, and no one, least of all the novelist, ever has the last word. Following his conviction that "the ring of truth has many clappers to its bell," Berger never presents a character whose testimony can be totally disregarded, nor one who can be totally believed. Indeed, some of his characters who most closely approach straw men prove so consistently outrageous that like Claude Humbold, the crooked realtor who introduces Reinhart to the dirty tricks of "bidness," they are "so chicane as to achieve finally a kind of integrity." Berger aligns this irony with his belief that "fiction is not to be confused with life, because the *latter* is false":

> I am ironic, by which I mean I endeavor to show how things *are* as opposed to what they are generally thought to be. I am, in fact, so ironic that often I pursue the inquiry until it turns back and reveals that that which has been exposed as illusion or delusion is actually true.

The effect of this kind of irony is self-consuming. "The truth of life is that things are exactly as they appear, and symbols are the bunk," says Splendor Mainwaring, Reinhart's black taskmaster and one of Berger's most humorously contradictory creations.

What Berger strives for in his fiction is a world with an "independent existence"—a value-free *tabula rasa* that the author fills in the hope that his reader will approach it "without the luggage of received ideas, *a priori* assumptions, sociopolitical axes to grind, or feeble moralities in search of support." Which is to say that Thomas Berger, who is both a storyteller and a stylist, is not a social critic in the usual sense.

Of course, this is not to say that Berger does not concern himself with social reality but that his purpose is neither hortatory nor judgmental. As Reinhart—masquerading as Dr. Lorenz T. Goodykuntz, a mail-order prophet from Pocatello, Idaho—once says in a moment of drunken eloquence:

> I'm not here to bury life but to recognize it. If I learned one thing from the sovereign of Andorra when I served as his medical advisor, it was: Above all, do no harm and always uphold the dignity of human life. That's as easy, and as hard, to do whether you're a king or a criminal. So all of you have a good chance.

Carlo's advice updates the instructions given David Copperfield by his aunt—"Never be false, never be mean, never be cruel"—a credo demanding simpler and clearer vision than Berger's characters can muster. Berger explains their moral reticence simply: "I am happy to say that life continues to exceed my capacity to define it. And, as Reinhart might say, it isn't as if one has an alternative."

While *Little Big Man* is surely the best known of Berger's works, his Reinhart trilogy (*Crazy in Berlin, Reinhart in Love*, and *Vital Parts*) may be his greatest creation. R.V. Cassill has aptly described this trilogy as a literary whale whose "ambiguous carcass is so imposing and looms so enticingly amid the deep waters of the recent past that there is really no choice for the serious reader except to go after it with Ahab's passion." These novels chronicle Reinhart's growth and debilitations from his days as a G.I. in postwar Berlin through the vagaries of marriage and business and into his middle-aged tiltings with American society in the 1960s. Complexity, Reinhart's essence, is also his nemesis: he can always see both sides to every argument, feel responsibility for any injustice, and though he learns from studying a toad that "true freedom is found only by being consistent with oneself," he has a devil of a time figuring out how to do this.

Like most of Berger's central characters, Reinhart has too much deep-seated anguish to be comic, though his situation often is. Combining the features of "a big bland baseball bat" with those of "an avatar of Job the beloved of a sadistic God," Reinhart can never shake the suspicion that he doesn't fit anywhere, but is nonetheless responsible for the general muddle that surrounds and usually engulfs him. Yet Carlo Reinhart is as ill-suited for despair as he is for success. Although quite accurately reminded that he is "redundant in the logistics of life," he can never really be disillusioned even though his dreams steadily fall prey to the practical opportunism of those around him. No match for a mother who can tell him, "if I ever thought you had truck with Filth, I'd slip you strychnine," or a wife whose every action confirms his belief that she is "the starkest realist he had ever known," Reinhart can recognize the distinction between his secular search for a Holy Grail and the social meliorism that passes for idealism, vaguely realizing that he is caught between the Scylla and Charybdis of belief. Reinhart's wife, who has a singular talent for mangling expressions, would no doubt locate her husband's dilemma as being caught between a rock and a heart place. Like all of Berger's characters, however, Reinhart never gives up: an indomitable toughness underlies his numerous weaknesses, just as muscle slumbers below his flab.

Although battered by their surroundings, Berger's characters are with only one or two exceptions all survivors. Jack Crabb amazes us not so much by living through the battle of the Little Big Horn as he does by keeping his head and his spirits amidst the clash of personal and cultural myths. Georgie Cornell, the unwilling and unwitting male liberationist secretary of *Regiment of Women*, fumbles his way to the discovery that he has the physical and mental equipment not only to survive but to "be boss once in a while." Young Ralph Sandifer of *Sneaky People* survives life with his con-man father and pornographer mother to come of age with an innocent wisdom that is disarmingly enviable. All learn, or innately grasp, Reinhart's intuition that "the trick to survival was to accomplish something of no utility, and so small as to be inconspicuous."

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Richard Schickel has accurately identified Berger as "one of the most genuinely radical sensibilities now writing novels in this country," but since Berger employs conventional syntax, linear time schemes and familiar genres in his writing, we may overlook the fact that he characteristically turns familiar means to strange ends. For example, *Who Is Teddy Villanova?* displays all the earmarks of the "hard-boiled-dick" novel. Sam Spade, Philip Marlowe, or Lew Archer would immediately recognize Russel Wren's office (seedy), secretary (brassy), financial status (broke), and case (impossibly complicated), but they would be dumbfounded by his "soft-boiled" language, his attitudes, and his discovery that fiction is a more than adequate match for reality. Berger's detective may not do much for the shamus trade, but he elevates the concerns of the traditional detective to a humorous and anguished reappraisal of his own condition. Wren is as much concerned with finding an informed and sympathetic reader for a play he has written as he is with playing out the absurd drama that keeps threatening his very existence.

Berger pushed this technique to even further extremes in his sadly ignored *Killing Time*. Joe Detweiler, the most disturbing of Berger's characters and one of the most appealing, is the psychopathic murderer-hero of the book. He reminds us of Leopold and Loeb, Huck Finn, Jesus Christ, Bartleby the Scrivener, Emerson and Thoreau. His story seems by turns to be a murder mystery, psychological thriller, courtroom drama, and philosophy lecture, all of which lead us through an uneasy consideration of our standards of sanity and justice while also inviting us to reconsider the act of reading itself. We are involved in the clear perception of Joe's madness while at the same time we must yield to his reasoning—engaging us in what a psychology text might label "egocentric and antisocial activity which tends to blur perception of social and moral obligations."

Teddy Villanova and *Killing Time* suggest that Berger's "celebrations" of fictional forms are actually experimental forays which start from rather than aim toward the recognizable conventions of those forms. This makes reading his work an unsettling experience, since his oblique assaults on popular conceptions of rationality never advertise their complexity, while his experiments never parade themselves as such. Something of Berger's attitude toward the rhetoric of contemporary artistic experimentation emerges from Reinhart's reaction to Bob Sweet, the painfully modern Mephistopheles of *Vital Parts*:

> The day was when hearing a progression of apparent nonsequiturs he would immediately label the speaker a half-wit or rascal, but he had trudged into an age of nonlinear expression. He had once seen on the *Alp Show* a man pull a concertina to pieces while a girl in a bikini and space helmet bullwhipped a dummy and a greasy, squatting youth plucked at a one-stringed instrument imported from Asia. These persons professed academic connections with the fine-arts department of a major Eastern university.

Berger's own approach is more restrained:

> I think that what I say implicitly to the reader is: "Let's pretend that the law of gravity has *not* been abrogated." I am often confused with those writers who advertise their own annulment of such a law and invite all comers to join the celebration. But I am not really a lawbreaker. I do all I can to preserve order. In answer to someone who once asked him why his work was so difficult to understand, Eliot said, in effect, "I write as simple and clearly as I can about things that are very complex."

I first stumbled upon Berger's law-bending efforts to preserve order when I was in the Army and discovered a copy of *Reinhart in Love* on the book-rack of a small P.X. Recently, I reread his novels while studying for orals in American literature. From the first encounter, I gained my fascination with Berger's style and a lasting affection for Carlo Reinhart, sharing with him his unglamorous rank and luck, and his calm suspicion that the world, though always strange, ironic and sometimes absurd, made pretty good sense. From my second encounter, I saw that Berger exhibits the best elements of the American literary vision. His achievement lies in the complicated simplicity that has always signaled fine writing, but which has so often gone unrecognized at first appearance. As Melville, from whom Berger has learned much, said of Hawthorne: "You cannot come to know greatness by inspecting it; there is no glimpse to be caught of it, except by intuition, you need not ring it, you but touch it, and you find it is gold." It may be premature to speak of Thomas Berger's "greatness," but the gold of his works should be touched. □

Judicial First Aid

THE DENIAL OF JUSTICE: Criminal Process in the United States. *By Lloyd L. Weinreb. The Free Press. 177 pp. $12.95.*

INJUSTICE FOR ALL. *By Anne Strick. G.P. Putnam's Sons. 282 pp. $8.95.*

DAVID RUDOVSKY

From time to time, criticism of the legal system in the United States has exposed the fundamental flaws in our system of justice: unequal access to the courts; racial and sexual discrimination; class-based justice; intolerable delays, and the like. Reform is an ever present but singularly elusive goal.

In the 1960s, the Supreme Court, for the first time in that institution's history, paid more than lip service to the Bill of Rights and appeared committed to the ideal of equal justice. Of course, the decisions of the Warren Court often had little or no effect on the actual operations of the legal system or on the lives of those people one might have expected to benefit from its rulings. Race and sex discrimination still flourished; the police continued to violate citizens' rights, and the poor are still at a decided disadvantage in most kinds of legal disputes. Moreover, the Burger Supreme Court seems intent upon dismantling even the cautious reforms of the 1960s, particularly in its use of legal technicalities to deny access to the courts to those people whose rights are infringed. The theme of this Supreme Court appears to be that while the Constitution creates rights, the federal courts need not enforce them. As with most societies, our rhetoric continues to outdistance our performance.

Many, of course, have recognized the inequities and shortcomings of our legal system and have advocated various kinds of changes and restructuring. Others have questioned whether any reforms are capable of distributing equal justice if other institutions in this country are not changed. In examining the legal system, however, only a few people have seriously questioned the concept upon which the entire judicial process is based: the adversary system of justice. Might adversariness itself be a contributing factor to the failings of the justice system? Do we rely too much on the battle theory of justice? Do the dis-

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parate abilities of counsel lead to unfair results and the distortion of truth in the courtroom? Few have even asked these questions, much less examined them with any insight. Anne Strick and Lloyd L. Weinreb have begun this process, and for that reason alone their books are important. Unfortunately, their analyses and proposals do not meet the stringent tests presented by their criticisms. They ask the right kinds of questions but fail, in my opinion, to imagine the structure for significant change.

Mr. Weinreb confines his analysis to the criminal justice system, and finds fault with the byproducts of our adversary process—long delays in prosecution, suppression of evidence, police misconduct, verdicts based on lawyers' abilities rather than facts, and the "guilty plea" process. To remedy this situation, he would greatly decrease the role of the police in the investigation of crime and of lawyers in the trial process. Correspondingly, he would place much of their present work in the hands of a neutral judicial officer—a magistrate. He would assign peacekeeping responsibility to the police and would relieve them of their current role in developing proof of a crime. Thus, the role of the police once an arrest has been made would be drastically curtailed and further investigation would be supervised by the magistrate. The magistrate would conduct a prompt investigation, including questioning of the defendant and in most cases would reach a conclusion as to guilt or innocence within a few days. This conclusion would be supported by a written record which, if adverse to the defendant, would form the basis of the prosecution against him. The trial itself would also be radically restructured. The functions presently carried out by a judge and jury would be delegated to a court composed of a judge, lawyers, and lay people, giving the judge responsibility for the presentation of evidence and the questioning of witnesses. The defendant could also testify and question witnesses, but his lawyer and the prosecutor would be limited to making suggestions and correcting oversights of the court. In sum, Weinreb seeks something close to the European "inquisitorial system" of justice, something far different from anything we know of in the United States.

Anne Strick's book is more ambitious. She takes on the adversary system in both the criminal and civil law and concludes that the entire system should be junked. Strick's analysis cuts deep and few persons (even lawyers) could question her catalogue of evils and the large price we sometimes pay for our adversary system. Among other abuses, the adversary system too often rewards deceit and power; it degrades many of its participants: witnesses are needlessly embarrassed; lawyers act like gladiators at a pitched battle, and litigants are kept in the dark. What often emerges from the clash is anything but justice. Nevertheless, when it gets down to the hard questions of change, Ms. Strick proposes a structure impossible to implement under our social and economic system and which, despite her proclamations to the contrary, would undercut significant constitutional guarantees.

Ms. Strick's analysis is often skewed. The problems which she discusses—unemployment, juvenile delinquency, unrestricted access to firearms, prosecution of victimless crime, and unsafe automobiles—are extremely serious. But to blame them on our adversary system of justice not only misses the point but, more seriously, lets those responsible for these problems—the political and economic elite in this country—off the hook. The point is not that the adversary system fails to remedy these ills; rather, it is that *no* legal system could remedy them, given the distribution of economic and political power in this nation.

Ms. Strick proposes that a special assembly be summoned to create a new legal system. This assembly would include persons from all disciplines and all levels of the social strata. They would work under several premises, including the principle that the legal system "must be conceived as an instrument for society's health and welfare," and in promoting "reason and human dignity . . . must find adversary conduct, in all its aspects, impermissible."

Of course, given the wide range of the problems that Strick attributes to adversary justice, she would empower the assembly to do far more than make changes in our legal system. What she calls for is more like a constitutional convention. The assembly could address these problems if it had the power to do so, but it is naive to believe that those with that power would ever willingly give it to such an assembly. Until more fundamental changes are made, the process by which the legal system operates—adversary or not—will be largely irrelevant to many of the concerns Strick addresses.

Strick's primary concern with respect to the adjudicatory process is the development of accurate information: "the production of all possible relevant data would be obligatory upon all persons involved—including the defendant in criminal actions." This, of course, would revoke the Fifth Amendment's privilege not to incriminate oneself, hardly a step to be undertaken lightly. According to Strick, the Fifth Amendment protection would no longer be necessary because the new system would be nonadversarial, conspiracy charges would be avoided, "dispute settlement" would occur outside the state's apparatus and restitution rather than "classical forms of punishment" would be used. What remains unexplained, however, is how these changes justify the removal of constitutional rights (would illegally seized but "relevant" evidence be used also?). Moreover, how can restitution be used when the person convicted is destitute or when the crime at hand is rape or murder?

Weinreb's suggested changes in the criminal process would help to alleviate some of the abuses that presently permeate the criminal justice system. For example, judicial supervision of post-arrest investigation would help to eliminate unfair identification procedures and overreaching interrogation of suspects. But in the main, I do not think that the major renovations he proposes can produce very significant change. Take, for example, Weinreb's faith in the neutrality of the magistrate. It may be as he states that, with increased responsibilities, the magistrate would evolve into a fair and unbiased judge. Experience to date, however, casts doubt on this assumption. In one area where magistrates already have an important constitutional responsibility—the issuance of search warrants—they have failed to act as neutral judicial officers. With very few exceptions, they are rubber stamps for the police and prosecutors, authorizing searches under the most questionable circumstances. In Philadelphia, for example, a study several years ago by the District Attorney's office concerning search warrants in drug cases revealed that police claimed that their informers provided reliable information more than 80 percent of the time; nevertheless, search warrants based on such assertions turned up drugs in only 14 percent of the searches. In other words, more than 80 percent of drug searches resulted only in gross violations of the right to privacy. Nothing short of perjury on the part of police officers—and a magistrate system that condoned such actions—can explain these figures. Magistrates (and trial judges, too) are often prosecution prone. Giving them more power may create even more imbalance in the system.

Weinreb's (and Strick's) proposals

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would change our criminal justice system from "accusatorial" to "inquisitorial." Weinreb is right, of course, in asking his readers to judge the inquisitorial system on its merits and not its name but, as with the magistrates, I am afraid that he ignores some relevant past history. We do have some experience with aspects of the inquisitorial system: our investigating grand juries operate as inquisitorial bodies and in the past several years have changed from a shield for protecting the individual against unwarranted prosecution to a powerful weapon of oppression by the excutive branch [see Donner and Cerruti, "The Grand Jury Network," *The Nation*, January 3, 1972]. Because of its inquisitorial and investigative function the Supreme Court has diluted, almost to the point of extinction, a witness's constitutional rights when he/she is subpoenaed to the grand jury. Important First, Fourth, Fifth and Sixth Amendment claims have all been rejected by the Court in grand jury litigation.

The Court's rulings in these areas have been premised in large part on the nature of the grand jury institution—inquisitorial as opposed to adversarial—and therefore constitutional protections are deemed inappropriate. To be sure, Weinreb does not advocate the kind of limitations sanctioned by the Supreme Court but his comments (and those of Strick) on the Fifth Amendment privilege against self-incrimination take a similar approach. The point, however, is that the investigating grand jury has turned into a widely used governmental tool to suppress dissent and political change. This is so despite judicial oversight and control. Given the judiciary's track record thus far, I for one would feel no more confident about the placement of inquisitorial powers in magistrates than I do with respect to prosecutors, particularly in cases involving political dissidents and social activists. Giving any governmental institution the power to compel testimony in areas which plainly implicate democratic rights of free speech, association and privacy will provide the government with a dangerous political intelligence gathering capacity.

Many of the reforms which Weinreb believes would result from the changes that he proposes could as easily be achieved by changes in the criminal process within the adversary framework, and most important, through judicial regard for constitutional rights. The judiciary's failure to do so certainly raises serious questions concerning any proposal to give judges and magistrates even more power.

The adversary system of justice is unfair in many ways, and we should not be wedded to it. We can look to different legal models and experience in other countries. But the malaise of our judicial system runs much deeper than its procedural faults. It is tied, inextricably, to other institutions in this country, and a change in process alone will surely fail. □

TELEVISION

PETER SOURIAN

Somehow, the obvious dominance of a new technology is only peripherally recognized by the dubbers and canonizers for a long time, regardless of how giant a shadow it casts; then suddenly that tacit pre-eminence is fully acknowledged in an irreversible way.

In the case of TV, I think that watershed was reached on July 20, when William Moyers responded in *The Wall Street Journal* to an Open Letter on the same page a few days earlier, in which Arthur Schlesinger jr. criticized Moyers's June 10th TV documentary, *The CIA's Secret Army*. Because of the important issues it attempted to deal with and because of the information it purveyed, *The CIA's Secret Army* was in itself a news event and was reported in the press as such.

Schlesinger, for intertwined reasons, as historian, as participant in Kennedy's administration during the creation of our émigré army against Cuba, and as sometime media critic, took the production to task, saying (*a*) that it tended to let the CIA off the hook of its skulduggeries, and (*b*) that this was done at the expense of the reputation of President Kennedy who, according to Schlesinger, had to deal with the rogue elephant which is or was the CIA. "Little is more effective than a responsible television rendition of history; little more mischievous than an irresponsible rendition."

Schlesinger's detailed critique of the show was matched by Moyers's answer; they engendered each other's passion in significant ways. One of the more interesting aspects of all this was that, at the very time when Schlesinger and Moyers were affirming with their seriousness the dominance of TV, their argument on paper was demonstrating the continuous cruciality of print, where words stay put for convenient access and calm examination, where arguments must be deployed for the slow cold eye of that perhaps rare bird who is interested in trying to develop a truth for himself.

I think that Fidel Castro—the object of our buffoonish attempts at destruction—deserves a voice in the matter too; his attitude is provocatively in line with Schlesinger's, arrived at from a different quarter.

For in his interview with Barbara Walters—broadcast the night before Moyers's show—Castro, unlike Moyers, refused to come down hard on the Kennedys. Asked if the Kennedys had known of the CIA attempts on his life, he said, "We actually don't have evidence on any of that. We have not wanted to know more. Because Bobby and John are dead. So who would gain if we searched? Whose reactionary forces would we be helping with that?" The tone, including the use of first names, is nearly affectionate.

For us to be privy to Castro's tone of voice in such a business is the kind of marvelous thing that makes TV a unique medium. For the first time in history masses of people casually watch eminences and potentates shift their eyes, stare forthrightly, cough, twitch, twist paper clips compulsively, jiggle their feet, grin and frown. What one

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deduces from such glimpses may be wrong, impressionistic—yet may be worth something too.

Why, then, is Moyers out-Castroing Fidel himself? Why is such a temperamentally loyal Establishment-type developing at the present time such a critical statement on U.S. foreign policy? Similarly, why are such retired CIA stalwarts as former Deputy Chiefs Bissell and Cline, not notable for flabby mouths, talking on Moyers's show with such unlikely openness and at the expense of the dead Kennedys, when they don't even have memoirs to peddle? Further, could any serious and reputable investigative reporter have had such access to information and testimony as Moyers has had, beyond the Senate Intelligence Committee Report? Finally, would CBS have aired such a documentary for a mass audience a year ago?

I may be overskeptical in this doubtless positive time of American candor, but I think our recent history demands that the notion at least be entertained that all of this occurred now because the venture has been tacitly approved in some American decision-heaven, without anyone actually having to say a word. Whether the decision is sound and good is partly beside the point; the question is, is the primary reason for the exposé that it coincides with the executive branch tack, or is it due to our abiding moral uprightness?

It has been deemed time—at least as much because of shifting national self-interest as because of any moral uprightness—to destroy the CIA's secret army, that still-grumbling Miami monster we energetically created. Further, it has been decided that this is to be done with the free approval of an American people which had been buffeted into dizzying attitudinal shifts in the past few years (China, Vietnam, Nixon, Africa, etc.).

The weapon of destruction is to be our free mass media which the Marxists view so cynically, nicely orchestrated without direct prodding, provided with access to materials for the purpose of cueing the constituency that it is now time to define these Miami Cubans as terrorists, not as freedom fighters, so that we can all feel good rather than bad about how we have repeatedly betrayed them.

After all, we have done just that. The Bay of Pigs mess should have been sufficient; it was followed by our bravado handling of the missile crisis, which again rouses excited hopes and which Moyers insists was caused by a *defensive* move on the part of the Russians, since Kennedy had fully embarked on secret aggression; finally there was the grotesque Watergate recruitment of people like the purportedly idealistic Rolando Martinez who found himself in an American prison for following orders he believed came from an American President, and which he thought had to do with a new grand design for Cuban "liberation!"

If one is to give any credence to my notion here, one must keep in mind how short a time ago we were really hot after Castro's Cuba; also how Carter has been heating up the human rights issue where the Russians are concerned but not with remotely equal zeal in the case of rightist regimes like Chile's.

According to the new dispensation it now serves us to approach Castro, although only a short time ago the text of Senator McGovern's reasoned temporizing in this direction had to be hunted for in the pages of *The Nation*, far from the broad avenues of prime time. Two Eastern bloc diplomats with whom I have spoken maintain that Castro is immensely well regarded in Communist countries, as also among Latin Americans on a broad political spectrum. Castro's present needs (although he has expressed misgivings) and ours thus appear to complement each other and so our ugly past *now* warrants free truthful mass exposure.

One sensed sadness in Castro as he answered Barbara Walters's apt question as to whether or not the imminent opening up of relations with us would affect Cuban policy. "We will not sell our principles for money. But historical experience shows that once trade relations are established, governments take these facts into consideration. They do exercise a certain influence."

We are developing a growing pride in our present stance of candor; in part, conceivably, because we are sick to death of the ugliness our candor reveals and want at least to feel sunny about the candor. Castro's refusal to beat the dead Kennedy boys with Moyers's whip is a statement about our candor and its nature. Who pays for it? Two safely dead men.

I am not at all sure that by demonstrating to millions of Americans through a straight-shooter all-American like Bill Moyers how we covertly and with remarkably blithe viciousness tried to subvert Castro's Cuba as we had intervened in Guatemala, Vietnam and Chile, signifies that we are not prepared to do the same again if it becomes urgently necessary to demonstrate that governments not having our stamp of approval or tolerance ain't much good by arranging for them to fail.

In one shockingly effective scene (incidentally demonstrating the great manipulative power of TV to which Schlesinger referred) Kennedy is shown asserting with fine fervor that, unlike certain other powers, we are a free society and therefore cannot resort to underhanded methods—this at the very moment when, according to Moyers, the secret real *war* on Cuba had been launched. The shot of Kennedy is inspiring—handsome in academic robes as he accepted an honorary degree. I am certain that people watching and listening to him on the afternoon of that speech were moved to congratulate themselves on being free, candid, aboveboard Americans.

I mean only to raise the question: when we expose our past sins are we contrite? I believe that we do tend to underestimate the fear which our puritanical tergiversations continue to engender in others, particularly and currently in the hearts of the Russians, their own sins altogether aside. I mean

WINTER IN PLAINFIELD N.H.

Here night rises.
It comes up the hill
from the shaded bank
of the Connecticut River.
A flock of white geese
moves nervously
through the shadows.
An old man pokes
his cows' bloated sides.
You enter this landscape
dragging a branch.
Originally you might have come
as a tourist
to the Saint-Gaudens Museum
or the Shaker house
where a young historian
lives alone.
Night reaches the gardens
and the statues
blend with the grove,
stars hovering above their heads.
At the top of the last field
there's a cabin.
A woman waits for you.
You could trace a proud
ancestory on her body.
You come to the yard
and cut the wood
imagining that you also
have roots here.

Jeffrey Greene

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that, in spite of all, we peculiarly continue to disbelieve the not-so-faint rumor that we are capable of violence; we carry off this mental trick on ourselves because we have always managed to justify *our* violence for the time needed to commit it, even if and peculiarly *because* we are quick to beat our breasts and cry *mea culpa* once it has been accomplished. □

FILMS

ROBERT HATCH

It is generally agreed—Werner Herzog is belligerently romantic in an age subservient to plausibility. Whereas other directors build their fictions, however extreme or grotesque, with the mortar of cause and effect, he invokes his tales with a magic wand. I think, though, that he does so because he is not only romantic but impatient. He sees a truth, is eager to share it and cannot pause to touch each base along the way. Thus in *Stroszek*, his latest film, he needs to get his quite moneyless people from Germany to America. So he sends Eva, a street whore, down to the warehouse district of Berlin where, in five quick tricks, she gets the plane fares from some Turkish "guest workers," as the Germans call them. Never mind that Turks on temporary visas cannot pay that kind of money for their pleasure—Herzog is moving as briskly as possible in the direction he wants to go. And it should be noted that his magic wand is tipped with acid, not a star.

He calls his new picture a ballad; it could as well be termed a pilgrimage. His voyagers are Eva (Eva Mattes); Scheitz (Clemens Scheitz), a 70-year-old stripling happily entering second childhood, and Bruno Stroszek, played by the street musician, Bruno S., who was Kasper Hauser in Herzog's earlier "wild child" film. Just who Stroszek is may be the subject of the film, and it may be that we never quite know. Clearly, he is a "natural," but not in the sense that he is touched in the head (though he may also be that); rather that he moves in ways of his own devising, unmoved by outward circumstance. Live and let live is Bruno's far from original philosophy, but he pursues it with a doggedness that is at least unusual, given that he is entirely incapable of enforcing his golden rule.

The move to America occurs by happy coincidence. Scheitz has been sent a plane ticket by a garage owner of Railroad Flats, Wis., whom he variously describes as his nephew and as a G.I. he had met after the war. Eva is being knocked about by a pair of comic but malign pimps who feel she lacks dedication to their interests, and Bruno, the gnomish samaritan, is receiving his share of their painful indignities because he has offered her shelter. The situation is intolerable but irremediable, the land of gold beckons. Off they go.

Once the picture has moved to our shores, the magic wand begins to beat like a conductor's baton. There are no entry problems, no language problems, no evident problems at a used car lot, and before you can say "presto," the trio is bowling along happily, Eva at the wheel, toward Railroad Flats beyond the sunset. The town is described by its name—a collection of shanties sitting on a large grease spot deep in the prairie. The nephew G.I., a knobby joker whose generosity is not to be taken at face value, greets them with bear hugs and sly grins at his Indian assistant, an impassive man. The town now services more trucks than trains, and Eva is soon working at the truckers' quick lunch, where she serves coffee at the tables and herself in the huge parking lot outside. She is happy in her vocations.

Happy, too, when a tractor hauls onto the lot next to the garage a mobile home half a block long, and completely furnished in a style to harmonize with the color TV. Scheitz is content; he has found an ammeter somewhere around the shop and, a latter-day disciple of the great Dr. Mesmer, is busy testing the magnetism of electric fences, bemused hunters and the deer lashed to the hood of their car. And Bruno, who has improved his Berlin street vagrant's costume with a cowboy hat, is also content for a time, puttering at odd jobs around the garage. But whereas in Berlin he had suffered from too much attention from the indignant pimps, here in back-slapping, leg-pulling America he suffers even more keenly from attracting no attention at all. He has been dismissed as an odd duck, and though he might be willing to concede the oddity, he is keen on being recognized as a man. Eva herself seems to have forgotten that side of him; busy with her truckers, she has unceremoniously pitched him out of her room.

Then the ax falls. The local bank sends around a representative (Scott McKain, who gives a ghoulishly funny impersonation of corporate hypocrisy) to say that the loan officer is just a tiny bit worried about the payments due on their lovely home. The pilgrims know nothing about payments (who reads fine print in fairyland?), though very probably their whimsical benefactor does. And, sadly enough, American overland truckers are less free with their money than Turkish day laborers. The magic wand falls to the ground in the very heart of America, that magic land.

In its final reels, *Stroszek* begins to jump its sprockets, its peculiar romanticism spinning into phantasmagoria, as Bruno robs a barber shop (a very quick, very funny Western holdup), buys a frozen turkey, "borrows" the garage tow truck and sets off for the hills. The truck comes to a fiery end at a mountain rest stop that combines a fake Indian trading post with a fun house in which are such attractions as a chicken that will dance when you put a coin in the slot. Stroszek jams the machine so that the chicken can never stop dancing and embarks in a cable car that takes one to the nearby peak and return. He's also jammed that, so when the state troopers arrive they have no way of extricating him from his repetitive conquests of the heights. (The officers are all American Indians and therefore unable to throw switches.) With Bruno and chicken both caught in their traps, the film ends.

Moral? None at all, I would say; the film is intended to open your eyes, and you are expected to draw the conclusions. However, of observation there is plenty. Herzog has filmed an America that many Americans have never seen, but that all of them should recognize. It is the land where everyone is equal and the devil take the hindmost. Where your credit is as good as your signature, and the auctioneer will sell you up the day your payments stop. It is a place where friendliness is next to godliness and bad luck is deemed the best of jokes. If you believe in magic, America is the place for you, but you are a fool if you trust your fairy godmother. Thus Herzog brings manner and matter together in *Stroszek*, probably his best work to date.

At the turn of the century in Bologna, the Murri family was celebrated for its professional brilliance, its anti-clerical rationalism and its socialist politics. It was also a family beset by inner conflicts that led to adultery, domestic cruelty and murder. And when the church and state discovered these rather conspicuous chinks in the Murris' armor they smote the family with Inquisitorial savagery.

This true and obviously dramatic story is the basis for *La Grande Bourgeoise*; Mauro Bolognini has turned it into a luscious garden party heightened by costume melodrama. Catherine De-

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neuve and Giancarlo Giannini, playing brother and sister in the center of the affair, are beautiful people exquisitely clothed. They speak in aphorisms, emote freely and behave stupidly. The people of Italy, to whom the Murris are devoted, appear briefly but picturesquely in operetta scenes of urban turmoil. The excellence of the film is the architecture of Bologna and Venice, the lure is the life of ease in *fin de siècle* Europe. In short, it is a travel film with lethal touches superficially applied—a notably lost opportunity. □

INDIGENOUS MUSIC/ Nat Hentoff

This year's Newport Jazz Festival-New York having been more nourishing and diversified than many others in the long, sometimes blurred line that started in Newport, R.I. in 1954, it was disorienting to learn that next summer the Newport Jazz Festival will have emigrated once more—this time to Saratoga Springs, N.Y. That is, back again to middling high society. However, George Wein, the festival's impresario, has proclaimed that nonetheless there will also be jazz rites in New York City next summer—something to be called the Big Apple Jazz Festival. What does this mean? I'm not sure, but I feel a scam in the making.

Companies and industries will underwrite the entire Big Apple Festival instead of contributing occasional cash subsidies, as has been the case up to now. If large firms are going to buy themselves a festival, won't they have a large say in the programming—eschewing any sounds that corporate executives might find unsettling? Not so, says Wein, but I have doubts, particularly in view of the history of public television programs turned down by private corporations that pretend to be *pro bono* enrichers of our culture. The vetoed programs never got on the air, *public* television officials having scurried about to find others that did indeed satisfy the unofficial but determinative corporate program directors. My guess is we're going to have the kind of corporation-approved jazz festival in New York next summer that a Republican can tap his foot to.

There is, by the way, hardly any jazz on public television, since corporate "sponsors" believe that, whereas classical music, ballet and "serious" theatre enhance their status, jazz would not turn that trick because it is black music and started out as whorehouse music and is not "high" culture at all. I am not just imagining that these are the thought patterns of the corporate folk in charge of supporting (read: buying) culture on public TV. I have compressed direct quotes from a number of those all-white sources. And that is why I never bid during those glittering public television auctions. My bread is not going to bring me the musical programming I most want and that especially *American* public television should nurture, so to hell with them.

One of the most remarkable events of the last Newport Jazz Festival-New York (June 24-July 4) was a long, many-colored, continually compelling work, *Minamata*, by Toshiko Akyioshi, as performed by the zestful and yet reflective big band she heads with her husband Lew Tabackin. Subtly, resourcefully, the piece fuses Japanese themes and textures with American jazz forms and rhythms as Akyioshi explores the literally grotesque impact on a peaceful Japanese fishing village of industrial pollution. (Or, as the second movement of her work is titled, *Prosperity and Consequences.*) Can you imagine such a work on current American public television? No way. First, because it is jazz, and second and worst of all, because it is "controversial" in real awful life.

To my knowledge, not one of Duke Ellington's large works—some of which were also controversial—has ever been given culture-room on public television. *Harlem Suite* by Duke was once presented on commercial Metromedia television because the man in charge of the particular musical series was Bob Herridge, a boisterously uncompromising producer who was also responsible for *The Sound of Music* on CBS-TV, the single most satisfying jazz television program so far (with Billie Holiday, Lester Young, Jimmy Rushing, Count Basie, Thelonious Monk, et al.).

I worked with Herridge on both those programs, and on several others (including *The Sound of Miles Davis*—the only extensive representation of Miles's work on television). When Herridge could no longer find a place for himself in commercial television—because, they said, he was too stubborn—he figured he would surely find a home on public television. But when Herridge presented a design for a jazz series, having proven himself the most qualified person, musically and technically, in all of television to implement what he proposed, he was turned down flat. No corporation would underwrite it. Besides, he was too stubborn and so would prove troublesome.

There were others at this year's Newport Jazz Festival-New York who could cut Arthur Fiedler or André Previn, let's say, and surely Leonard Bernstein, on the home screen for sheer originality and depth of imagination—Charles Mingus, Phil Woods, Art Pepper, Ornette Coleman. But you will see *The Forsyte Saga* again and again before you ever see one of them on public television. Maybe it's something for the new commission to look into as it charts the future of television. But how many people on that commission know any of those jazz names? They are culturally deprived, and so must we continue to be. □

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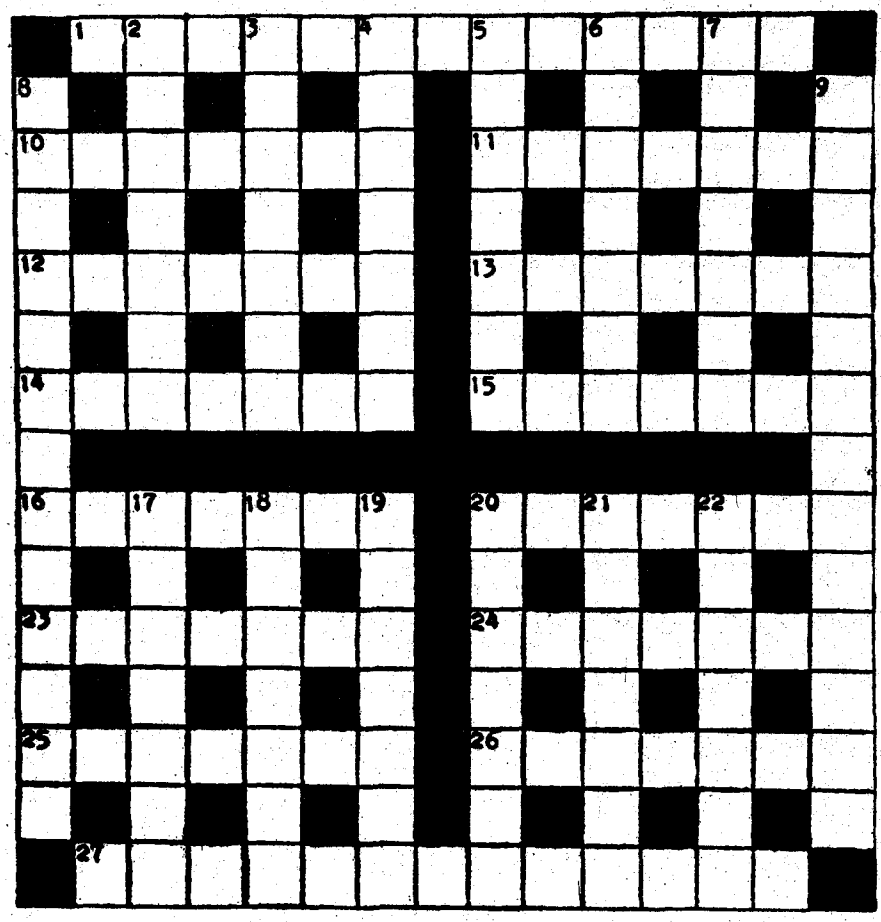

ACROSS

1 The end of the line, for an engine, to a certain extent. (2,3,2,2,4)
10 Odd variety of 6 down. (7)
11 Studies about a famous boat, and is responsible for a light loss. (7)
12 Two teas served up with a hundred present—possibly man-made. (7)
13 Wants more? (7)
14 Tea, by the sound of it, tastes bad, as one declares. (7)
15 One might get charged later. (7)
16 Perhaps a piano is back on one side of the stage. (7)
20 The old camelopard. (7)
23 One would have to be willing to be so. (7)
24 The Merchant of Venice. (7)
25 One tells by the hands a friend has something rather obscure. (7)
26 Levers sounding like what one wins, going on top. (5,2)
27 What one does is habit-forming. (5,8)

DOWN

2 A painter of 10 and 6. (7)
3 Probably big books of flowers. (7)
4 According to their statements, some movie stars do this, but there seems to be no fixed time involved. (7)
5 Redundant depressions, since they'd be dimples otherwise. (One does so often in writing.) (7)
6 Stones of 2 down, possibly. (7)
7 Obsolete before a little thing avoids people, probably. (7)
8 What has spears and tilts as a matter of course? (9,4)
9 Could any body have such spirit? (6,2,5)
17 One's stock acquisition isn't orthodox, sounding like Spring to Sinding. (7)
18 One of them might be considered tender, when someone like Clay travels around. (7)
19 Fixed up after injury—at least given a drink. (7)
20 Foreign matter has little weight at first, but one would expect to find it in deep. (7)
21 Doing a bad turn, in a sense? (7)
22 One might handle delicate situations with it, and it should work about half the time. (7)

SOLUTION TO PUZZLE NO. 1689

ACROSS: 1, 5 and 29 Bread and butter letters; 10 Cadenza; 11 Incense; 12 Strum; 13 Equipoise; 16 Toddling; 19 Landfall; 22 Rotor; 24 Reexamine; 26 Nylon; 28 Vampire; 30 Runner; 31 Sweetsop. DOWN: 1 and 23 Back-seat driver; 2 and 15 Elder statesman; 3 Dynamited; 4 Nearest; 6 Uncap; 7 Tennis net; 8 Reefed; 9 and 14 across Liquid asset; 17 Lorgnette; 18 Brings up; 20 Abides; 21 Lies low; 25 Alive; 27 Leeks.

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